



Minutes

Ordinary Meeting of Council

26 July 2022

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 26 JULY 2022

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 26 JULY 2022
COMMENCING AT 11.00AM**

PRESENT: Councillor Mathew Hatcher, Mayor (in the Chair)
Councillors 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 W Sharpe OAM, Director, Infrastructure Services
Mrs K Arthur, Director, Community, Arts and Recreation
Ms Amber Pollard, Acting 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

22/162 MOTION Councillor Mayne/Councillor Schutz

THAT apologies be received from Councillor Tanya Dannock and leave of absence be granted.

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

Division

For the Motion: Crs P Diskon, D Grace, 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

22/163 MOTION Councillor Worthington/Councillor Grace

THAT the minutes of the Ordinary Meeting held on 28 June 2022 be confirmed.

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

Division

For the Motion: Crs 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

Councillor Mayne declared a non-significant, non-pecuniary conflict of interest in MR22/011 Treatment of Rural Fire Service Equipment 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.

Councillor Schutz declared a non-significant, non-pecuniary conflict of interest in MR22/011 Treatment of Rural Fire Service Equipment 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.

7. MAYORAL REPORTS

MR22/010 CODE OF MEETING PRACTICE

File Ref: S004-T00060, S0012-T00025

22/164 MOTION Councillor Hatcher

THAT a further report on the draft Code of Meeting Practice be deferred until after the workshop with the submitters has been conducted.

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

Division

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

Against the Motion: Nil.

MR22/011 TREATMENT OF RURAL FIRE SERVICE EQUIPMENT

File Ref: S012-T00025

Councillor Mayne declared a non-significant, non-pecuniary conflict of interest in MR22/011 Treatment of Rural Fire Service Equipment 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.

Councillor Schutz declared a non-significant, non-pecuniary conflict of interest in MR22/011 Treatment of Rural Fire Service Equipment 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.

22/165 MOTION Councillor Hatcher

THAT Council write to the Auditor-General for New South Wales to advocate that the NSW Government acknowledges rural firefighting equipment is controlled by and is the property of the State government and advise that Council's financial statements have been prepared in accordance with the Australian Accounting Standards, as required by the Local Government Act and such assets will not be recorded in Council's financial statements.

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

Division

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

Against the Motion: Nil.

8. NOTICES OF MOTION

Nil

9. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

10. PETITIONS

Nil

SUSPENSION OF STANDING ORDERS

22/166 MOTION Councillor Worthington/Councillor Schutz

That Standing Orders be suspended in order to consider PSR22/021 Draft Climate Action Plan 2022-2032.

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

Division

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

Against the Motion: Nil.

PSR22/021 DRAFT CLIMATE ACTION PLAN 2022-2032

File Ref: S010-T00037

22/167 MOTION Councillor Grace/Councillor Mayne

THAT Council:

1. Receive and note the feedback provided during the public exhibition of the draft 2022-2032 Climate Action Plan and write to those who made a submission thanking them for their input and advising of the outcome
2. Adopt the 2022-2032 Climate Action Plan, as attached to the Report titled 'Eurobodalla Climate Action Reduction Plan 2022-2032'.

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

Division

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

Against the Motion: Nil.

RESUMPTION OF STANDING ORDERS

22/168 MOTION Councillor Mayne/Councillor Diskon

That Standing Orders be resumed.

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

Division

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

Against the Motion: Nil.

11. GENERAL MANAGER'S REPORTS

GMR22/073 ORGANISATION STRUCTURE - SENIOR STAFF

File Ref: S004-T00026

22/169 MOTION Councillor Schutz/Councillor Pollock OAM

THAT

1. Council endorse the senior structure being:
 - (a) Director, Community, Arts and Recreation
 - (b) Director, Infrastructure Services
 - (c) Director, Planning and Sustainability.
2. The Director positions continue to be classified as senior staff officers, noting that Council is in the process of recruiting for a new General Manager who may recommend a revised structure following a review of Council's priorities and strategies.

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

Division

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

Against the Motion: Nil.

GMR22/074 CODE OF CONDUCT - CONDUCT REVIEWERS PANEL

File Ref: S012-T00003

22/170 MOTION Councillor Grace/Councillor Worthington

THAT Council adopts the Canberra Regional Joint Organisation Panel of Conduct Reviewers listed below for the period 1 August 2022 to 30 June 2026:

- Australian Workplace Training & Investigation
- BAL Lawyers
- BDO Services
- Centium Pty Ltd
- Local Government Legal
- Maddocks
- McCullough Robertson Lawyers
- Mediate Today Pty Ltd
- Nemesis Consultancy Group
- O'Connor Marsden and Associates Pty Ltd
- Pendlebury Work Place Solutions
- RSM
- Sinc Solutions Pty Ltd
- Train Reaction Pty Ltd
- Weir Consulting (National)
- Winton Consulting Pty Ltd
- Wise Workplace
- Workdynamic Australia

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

Division

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

Against the Motion: Nil.

GMR22/075 POLICY REVIEW FOR EXHIBITION - JULY 2022

File Ref: S004-T00060

22/171 MOTION Councillor Pollock OAM/Councillor Schutz

THAT:

1. Council places the following draft policies for the purposes of public consultation for a period of 28 days:
 - (a) Privacy and Information Protection
 - (b) Financial Hardship (formally named Rates and Debtors Hardship Policy)
 - (c) Debt Recovery
 - (e) Recreational Horse-Riding on Beaches
 - (f) Recycled Water
 - (g) Related Party Disclosures Policy
 - (h) Road and Pathway Opening
 - (i) Road Naming
 - (j) Rural School Bus Routes and Bus Stops
2. Following the expiration of this period, the draft policy and any public submissions be presented back to Council for consideration.

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

At **11:22 am** Councillor Pollock OAM left the Chambers.

Division

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

Against the Motion: Nil.

GMR22/076 INVESTMENTS MADE AS AT 30 JUNE 2022

File Ref: S011-T00006, S012-T00025

22/172 MOTION Councillor Harrison/Councillor Worthington

THAT the certification of investments as at 30 June 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**)

At **11:25 am** Councillor Pollock OAM returned to the Chambers.

Division

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

Against the Motion: Nil.

**GMR22/077 REQUEST FOR TENDER (RFT) - 2122-095 SUPPLY AND DELIVERY OF SIX (6)
INDUSTRIAL WORKSITE CARAVANS**

File Ref: S022-T00015

22/173 MOTION Councillor Mayne/Councillor Pollock OAM

THAT:

1. Council approves additional expenditure for the six (6) Industrial Worksite Caravans of \$212,544.00 for the Plant Capital Fund budget and vote the funds necessary to meet the expenditure.
2. Council endorses the selection of the preferred supplier for RFT No. 2122-095 within the Confidential Attachment.
3. Accordingly approves entering into a Deed of Standing Offer with the preferred supplier as detailed within the Confidential Attachment.

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

Division

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

Against the Motion: Nil.

GMR22/078 ATTENDANCE AT THE LGNSW ANNUAL CONFERENCE

File Ref: S012-T00025, S004-T00019

22/174 MOTION Councillor Pollock OAM/Councillor Worthington

THAT Mayor Hatcher attend the LGNSW Special Conference in Sydney from 23 October to 25 October 2022

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

Division

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

Against the Motion: Nil.

**GMR22/079 SUSTAINABLE ECONOMIC GROWTH FOR REGIONAL AUSTRALIA (SEGRA)
CONFERENCE**

File Ref: S004-T00019, S012-T00025

22/175 MOTION Councillor Diskon/Councillor Schutz

THAT:

1. Councillor Worthington attend the Sustainable Economic Growth for Regional Australia (SEGRA) Conferences being held on 31 August – 2 September 2022.
2. Councilor Worthington be reimbursed out of pocket expenses in accordance with the Councillors' Professional Development, Expenses and Facilities Policy.
3. Councillors are required to provide a written delegates report to Council following the Conference.

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

Division

For the Motion: Crs 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

PSR22/022 SHORTAGE OF CONCRETE STORMWATER PIPES

File Ref: S012-T00025

22/176 MOTION Councillor Pollock OAM/Councillor Schutz

THAT Council permit the use of fibre reinforced concrete pipe (FRC) in urban subdivisions where, in the opinion of the Director Technical Services or Director Planning and Sustainability, the lead time to secure steel reinforced concrete pipe (RCP) would have an adverse impact on the delivery of civil works and/or residential land supply, subject to the following criteria:

- Compliance with applicable requirements of Council's IDS, ESC Civil Works Specification, Australian Rainfall and Runoff, Roads and Maritime Road Design Guidelines, Austroads (Guide to Traffic Management, Guide to Road Design, Guide to Road Safety), Soils and Construction – Volume 1 Rev 4th Edition Reprinted July 2006.
- Fibre reinforced concrete pipe (FRC) shall only be used on local streets and not on collector or regional roads.
- Fibre reinforced concrete pipe (FRC) is only acceptable for pipes less than 600mm in diameter, ie, RCP is required for 600mm diameter pipes or greater.
- Fibre reinforced concrete pipe (FRC) shall be minimum Class 4.
- Fibre reinforced concrete pipe (FRC) joints to be dual rubber ring with collar.
- Fibre reinforced concrete pipe (FRC) support must be HS2 or HS3 type.
- Design of FRC drainage pipes shall comply with the requirements of AS 4139.
- Contractors shall provide product information, obtained from the FRC pipe manufacturer, prior to the delivery of materials to site. No pipes shall be delivered to the site until written acceptance has been obtained from Council. Information shall include:
 - the type of fibre used in the pipe
 - the test methods and values used to control the properties of the fibre
 - drawings or tabulations showing critical dimensions of the pipes and joints, including wall thickness for different classes of pipe
 - the methods of manufacture and testing
 - the type of cement used
 - the water absorption value
 - the values of C and R, as defined by AS 4139 and amended loads, with test data (not more than two years old and for the current material formulation)

establishing these values and the results of any screening evaluation performed:

- one pipe per 100 pipes or part thereof of each size and class shall be load tested in accordance with Clause 11.1 of AS 4139. Load testing of nonstandard pipes ordered for specific projects shall be a witness point
- one pipe per 50 pipes or part thereof each size and class shall be tested for internal diameter, wall thickness, pipe length, squareness of ends, and straightness in accordance with the dimension and tolerance requirements of Clause 10 of AS 4139
 - with each batch of pipes delivered to the site a delivery docket shall be supplied that provides traceability to a conformance report for the batch. The delivery docket shall also state that the pipes conform to the requirements of AS 4139.
- At no less than monthly intervals, the contractor shall provide a conformance report issued by the FRC pipe manufacturer, confirming that the pipes supplied comply with the requirements of AS 4139, along with copies of test results as described in above for the pipes supplied.
- Once delivered to site, Council Development Engineers are to be given 48 hours' notice to inspect the pipes, prior to installation of the pipes.
- Amended designs will be required for review and consideration by Council where the internal diameter of the proposed product is less than 95% of the nominal internal diameter specified on the drawings for all classes of pipes.
- Due to the specific requirements for FRC pipe installation, pipe installers must demonstrate sound knowledge and experience in FRC pipe installation.
- It is the contractor's responsibility to ensure that construction methods, machinery etc, do not damage, crack or impact the pipes as they will not be accepted by Council.
- CCTV footage and report will be required prior to the carrying out of pavement sealing / wearing course to ensure construction activity has not caused any damage or non-conformance issues.
- A second CCTV inspection and report may be requested at the end of the defect's liability period.
- An additional fee of \$20 per lineal metre (which will be indexed annually to the rise and fall of the building and construction industry index), to be exhibited for a period of 28 days and a report be brought back to Council for adoption and consideration of any submissions received.

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

Division

For the Motion: Crs 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

Nil

14. COMMUNITY, ARTS AND RECREATION REPORTS

CAR22/010S355 MANAGEMENT COMMITTEES

File Ref: S012-T00025

22/177 MOTION Councillor Worthington/Councillor Harrison

THAT Council appoint community members to S355 Management Committees, as listed in the confidential attachment.

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

Division

For the Motion: Crs P Diskon, D Grace, 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

Nil

Passing of former Councillor Maureen Nathan

The Mayor acknowledged the passing of former Councillor Maureen Nathan. Maureen gave her heart and soul to our community. She was a well-respected and highly valued pharmacist, owner of her beloved Gold Rush Colony, supporter of the arts and the ballet in particular, a member of the Bay Players, active business chamber and community member, published children's author, and of course a Councillor for 5 years and three months.

In all things that Maureen touched, she was absolutely dedicated and fully committed, never doing anything by halves, always of big of heart and spirit. During the times that she was undergoing chemotherapy, Maureen would be there at all meetings having read every item on the agenda, ready to ask intelligent questions and make well considered and balanced decisions. Maureen had a way with language and any staff member who spoke in acronyms or 'local government speak' soon learnt not to!

Passing of Cath Lawler OAM

The Mayor acknowledged the passing of Cath Lawler OAM. Cath was a living legend in our rural setting, horse-riding circles and all matters of local heritage. She was a Foundation Member of Access For All, Founder and Patron of Wandera's Trail Horse Riding Club, a member of Far South Coast Regional Advisory Committee – NSW National Parks and Wildlife Service and a member of Councils' Heritage Advisory Committee.

In 2019 Cath received an OAM for her service to conservation and the environment.

Congratulations to Jaylah Hancock-Cameron

The Mayor congratulated Jaylah Hancock-Cameron, a Broulee athlete who won gold at the England U20 and U23 Championships and World Junior Titles.

Australian national champion Jaylah Hancock-Cameron stormed home to win the U23 1500 metres against the best runners in England.

THE MEETING CLOSED AT 11.35AM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 9 August 2022 at which meeting the signature hereon was subscribed.