



# **Minutes**

**Ordinary Meeting of Council**

**23 August 2022**



**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MORUYA**  
**ON TUESDAY 23 AUGUST 2022**

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**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBERS, MORUYA  
ON TUESDAY, 23 AUGUST 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, 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  
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.

**3. EVACUATION MESSAGE**

The Mayor advised of the Evacuation Procedures.

**4. APOLOGIES**

Nil

**5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**22/202 MOTION** Councillor Diskon/Councillor Harrison

THAT the minutes of the Ordinary Meeting held on 09 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, 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**

**MR22/013 EXTRAORDINARY COUNCIL MEETING - APPOINTMENT OF GENERAL  
MANAGER**

File Ref: S012-T00025

**22/203 MOTION** Councillor Hatcher

THAT an Extraordinary Council Meeting be held on Monday 5 September 2022 commencing at 10am to progress the appointment of the General Manager.

(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.

**8. NOTICES OF MOTION**

**NOM22/012 ADVOCACY TO NSW GOVERNMENT TO LEGISLATE THAT 24/7 CAT  
CONTAINMENT CAN BE ENFORCED BY LOCAL GOVERNMENT**

File Ref: S010-T00003

**22/204 MOTION** Councillor Worthington/Councillor Mayne

THAT Council supports advocating to the NSW Government to amend the *Companion Animals Act 1988* to introduce legislation that enables councils to implement 24/7 cat containment in their jurisdictions.

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

Division

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

**22/205 MOTION** Councillor Worthington/Councillor Grace

THAT Council submits to LGNSW for considerations at the 2022 LGNSW Annual Conference, the following motion:

That LGNSW advocate to the NSW Government to amend the Companion Animals Act 1988 and to introduce legislation that enables councils to implement 24/7 cat containment in their jurisdictions.

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

Division

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

**MOTION** Councillor Worthington

THAT Eurobodalla Shire Council suggests delegates attending the 2022 LGNSW Conference vote in support of this motion.

(As there was no seconder, the Motion on being put was not debated)

**22/206 MOTION** Councillor Worthington/Councillor Grace

THAT Council receive a report on the outcome of the consideration of this motion at the LGNSW Conference.

(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.

**NOM22/013    ADVOCACY TO NSW GOVERNMENT TO END NATIVE FOREST LOGGING IN  
STATE FORESTS AND TRANSITION THE NATIVE HARDWOOD SECTOR OF  
FCNSW TO 100% SUSTAINABLE PLANTATIONS**

File Ref: S012-T00025

**22/207 MOTION** Councillor Worthington/Councillor Mayne

THAT Council submit to LGNSW for consideration at the annual conference the following motion:

THAT LGNSW:

1. Note that both Western Australian and Victorian State Governments have announced plans to transition their native forest logging in state forests to 100% plantations and have provided end dates for native forest logging of 2024 and 2030 respectively.
2. Note the concerns from south coast residents for better management of State Forests to support nature-based tourism enterprises, recreational usage, threatened species habitat protection and carbon sequestration and raises these concerns with Forestry Corporation NSW.
3. Note that logging in our State Forests is incompatible with our state's investments in nature-based tourism enterprises, climate change mitigation and the protection of biodiversity.
4. Advocate to the NSW State Government to develop a plan for the just transition of the Forestry Corporation NSW native forest sector to ecologically sustainable plantations and farm forestry and that such plans ensure the protection of existing jobs in this sector and ensure a reliable supply of high value native hardwood timber products into the future.

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

Division

For the Motion:     Crs T Dannock, D Grace, M Hatcher, A Mayne and A Worthington.

Against the Motion: Crs P Diskon, T Harrison, R Pollock OAM and A Schutz.

**MOTION** Councillor Worthington

THAT Eurobodalla Shire Council representatives attending the LGNSW Conference vote in support of this motion.

(As there was no seconder, the Motion on being put was not debated)

**22/208 MOTION** Councillor Worthington/Councillor Grace

THAT Council receive a report on the outcome of the consideration of this motion at the LGNSW Conference.

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

Division

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

Against the Motion: Crs T Harrison and R Pollock OAM.

**9. QUESTIONS ON NOTICE FROM COUNCILLORS**

Nil

**10. PETITIONS**

Nil

**11. GENERAL MANAGER'S REPORTS**

**GMR22/082 INVESTMENTS MADE AS AT 31 JULY 2022**

File Ref: S011-T00006, S012-T00025

**22/209 MOTION** Councillor Diskon/Councillor Grace

THAT the certification of investments as at 31 July 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.

**GMR22/083 POLICY REVIEW FOR EXHIBITION - AUGUST 2022**

File Ref: S004-T00060

**22/210 MOTION** Councillor Diskon/Councillor Grace

THAT:

1. Council places the following draft policies for the purposes of public consultation for a period of 28 days:
  - (a) Public Art
  - (b) Sporting and Recreational Facilities Seasonal Hire
  - (c) Art Acquisition
  - (d) Records Management
  - (e) Waste Minimisation
  - (f) Stormwater Disposal - Urban Land
  - (g) Water And Sewer Construction By Private Contractor
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**)

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**

**PSR22/029 POLICY REVIEW - LAND ACQUISITION AND DISPOSAL POLICY**

File Ref: S004-T00060

**22/211 MOTION** Councillor Schutz/Councillor Grace

THAT:

1. Council endorses the draft Land Management – Acquisition, Disposal and Lease/Licensing Policy for public consultation.
2. The draft Land Management – Acquisition, Disposal and Lease/Licensing Policy be placed on public exhibition for a period of 28 days and, 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**)

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.

**PSR22/030 RECLASSIFICATION AND REZONING OF COUNCIL LAND - PLANNING PROPOSAL**

File Ref: S017-T00008

**MOTION**

THAT Council:

1. Submit the attached Planning Proposal – Reclassification of Community land to Operational land to the Department of Planning and Environment for a Gateway Determination pursuant to Section 3.4 of the *Environmental Planning and Assessment Act 1979*.
2. Following the receipt of a Gateway Determination, consult with the community and relevant government agencies as required by the Gateway Determination.
3. Receive a report back on the planning proposal about consultation with the community.

**22/212 AMENDMENT** Councillor Worthington/Councillor Schutz

THAT Council

1. Amend the following items in the attached Planning Proposal – Reclassification of Community land to Operational land as follows:
  - a. Item 1 amended to clarify the developable area of the site and nature of permitted development.
  - b. Item 3 regarding Lot 32 DP 618340, Bimbular St Dalmeny amended to reclassify a further triangular shaped area of about 121.33 square metres, adjacent to the rear boundary of 6 Binnalong Street (SP84212).
  - c. Item 10 amended to reclassify the whole of lot 56 DP 84895, Blairs Road Long Beach (rather than part of the lot) from community land to operational land and for the lot to remain zoned RE1 Public recreation (rather than rezone it to SP2 Infrastructure).
2. Submit the amended Planning Proposal – Reclassification of Community land to Operational land to the Department of Planning and Environment for a Gateway Determination pursuant to Section 3.4 of the *Environmental Planning and Assessment Act 1979*.
3. Following the receipt of a Gateway Determination, consult with the community and relevant government agencies as required by the Gateway Determination.
4. Receive a report back on the planning proposal about consultation with the 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, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.



**PSR22/031 LICENCE FOR COMMUNITY GARDENS - LONG BEACH**

File Ref: S023-T00017/ LI:30099

**22/213 MOTION** Councillor Schutz/Councillor Dannock

THAT:

1. Council grant an initial 12 month licence to Long Beach Community Association over part Lot 133 DP 1021712 Blairs Road, Long Beach to operate a community garden, 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. Licence conditions generally in line with similar licences.
2. The General Manager be given delegated authority to negotiate further licences to Long Beach Community Association to operate a community garden.

(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.

**PSR22/032 CLIMATE CHANGE ADVISORY GROUP**

File Ref: S010-T00037

**22/214 MOTION** Councillor Grace/Councillor Worthington

THAT Council:

1. Establish a Climate Change Advisory Committee
2. Adopt the draft Terms of Reference for the Committee
3. Nominate Councillor Grace as Chairperson and Councillor Worthington as a participant on the Committee
4. Advertise for Expressions of Interests to appointment of a Climate Change Advisory Committee
5. Receive a further report on the Expressions of Interest and appointment of members to the Climate Change Advisory 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.

**PSR22/033 2021-22 INVASIVE SPECIES STATUS REPORT**

File Ref: S010-T00025

**22/215 MOTION** Councillor Mayne/Councillor Worthington

THAT Council receive and note the 2021-22 Invasive Species Status 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.

**PSR22/034 2021-22 NATURAL RESOURCE MANAGEMENT STATUS REPORT**

File Ref: S010-T00015

**22/216 MOTION** Councillor Grace/Councillor Worthington

THAT Council:

1. Receive and note the 2021-2022 Natural Resource Management Status Report.
2. Thank Landcare volunteers for their contribution.

(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**

**IR22/020 REQUEST FOR TENDER NO. RFT-10050961  
MERRICUMBENE LANDSLIDE REMEDIATION WORKS**

File Ref: S028-T00007

**22/217 MOTION** Councillor Schutz/Councillor Dannock

THAT:

1. Council endorses the selection of the preferred tenderer listed for RFT-10050961 within the confidential attachment; and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender 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.

**3. COMMUNITY, ARTS AND RECREATION REPORTS**

Nil

**4. DELEGATE REPORT**

Nil

**5. URGENT BUSINESS**

Nil

**6. DEALING WITH MATTERS IN CLOSED SESSION**

Nil

**7. CONFIDENTIAL MATTERS**

Nil

**THE MEETING CLOSED AT 12.24PM**

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CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 13 September 2022 at which meeting the signature hereon was subscribed.