

Ordinary Meeting Minutes

Held on Tuesday 23 December 2008
at the Council Chambers, Bega commencing at 2.01 pm

PRESENT Councillor Allen (CHAIRPERSON) and Councillors Britten, Campbell, Hede, Hughes, Pincini, Sandrey, Seckold and Wykes

IN ATTENDANCE Mr Peter Tegart – General Manager, Mr Andrew Woodley – Group Manager Planning Development and Environmental Services, Mr Doug Mein – Group Manager Infrastructure and Ms Michelle Preo – Minute Secretary

1. Confirmation of minutes

570/08 RESOLVED on the Motion of Crs Campbell and Britten

That the Extraordinary Meeting Minutes of 9 December 2008, be taken as read and confirmed with the following changes:-

The word 'attached' be deleted from recommendation number 4.1 – Proposed Contract for Sale of part Zingel Place and part Littleton Gardens, the Bega Town Hall Supper Rooms and HACC Shack - in reference to the Summary of Key Terms of Proposed Contract as it was distributed in closed session.

2. Apologies

There were no apologies.

3. Declarations

There were no declarations.

4. Deputations (by prior arrangement)

SUSPENSION OF STANDING ORDERS

571/08 RESOLVED on the Motion of Crs Hughes and Sandrey that standing orders be suspended to enable a late address to Council by Ms Kerrie Graham of the Merimbula Basketball Association regarding Finance and Infrastructure Committee Report No 6 - Ford Park Courts.

Ms Graham completed her address and responded to questions from Councillors.

The Mayor thanked Ms Graham for her address.

RESUMPTION OF STANDING ORDERS

5. Petitions

There were no petitions.

6. Mayoral Minutes

There were no Mayoral Minutes.

7. Adjournment into Standing Committees

572/08 RESOLVED on the motion of Crs Britten and Campbell

That the Ordinary Meeting of the Council be adjourned for the purpose of dealing with staff reports to Standing Committees.

2.11 pm The Ordinary meeting adjourned and formed in the committee, reconvening at 4.04 pm.

8. Adoption of reports from Standing Committees

CORPORATE MANAGEMENT COMMITTEE

1. Confirmation of minutes

There were no Corporate Management Committee minutes to be confirmed.

2. Apologies

There were no apologies.

3. Code of Meeting Practice

RECOMMENDATION

That the Code of Meeting Practice, as adopted as a draft for exhibition and subsequently tabled to the meeting of 23 December 2008, be adopted.

573/08 RESOLVED on the motion of Crs Hughes and Campbell that Item 3 of the Corporate Management Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

4. Provision of Public Access to Wireless Internet

RECOMMENDATION

1. That Council delegate authority to the General Manager to negotiate and execute the necessary agreements with myKP Pty Ltd to provide public access to Council's wireless internet system in Bega, Eden, Merimbula and Bermagui.
2. That appropriate media be arranged and towns chambers and accommodation outlets be advised.

574/08 RESOLVED on the motion of Crs Hughes and Campbell that Item 4 of the Corporate Management Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

5. Internal Audit Committee

RECOMMENDATION

1. That the revised Charter for the Internal Audit Committee, as amended at the meeting, be adopted.
2. That Council hold discussions with Eurobodalla Shire Council with a view to sharing costs and activities with the internal audit committee and report back to Council. However, if Eurobodalla Shire Council agree to the same Charter as the Bega Valley Shire Council, the Mayor and General Manager be authorised to execute the necessary arrangements with representatives from Eurobodalla Shire Council to formalise a joint committee.
3. That a second Expression of Interest advertisement be placed in the New Year, seeking suitably qualified persons to be appointed to the Internal Audit Committee and that a further report be presented to Council to consider and appoint two independent representatives.

4. That the Charter be amended under the heading Resource Sharing to include a new part 7 "that Council may engage with other Councils to share the costs of the committee and the engagement of relevant internal audit and consultancy advice".

575/08 RESOLVED on the motion of Crs Hughes and Campbell that Item 5 of the Corporate Management Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

6. 2006/07 Comparative Information on NSW Local Government Councils

RECOMMENDATION

That the report regarding the DLG publication Comparative Information on NSW Local Government Councils 2006/07 be noted.

576/08 RESOLVED on the motion of Crs Hughes and Campbell that Item 6 of the Corporate Management Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

FINANCE AND INFRASTRUCTURE COMMITTEE

1. Confirmation of minutes

There were no Finance & Infrastructure Committee minutes to be confirmed.

2. Apologies

There were no apologies.

3. 2009 Far South Coast National Show, Bega – temporary traffic arrangements of road closure and one-way flow

RECOMMENDATION

1. That the proposed traffic arrangements for the Far South Coast National Show be deemed a Class 2 special event conducted under an approved Traffic Control Plan achieving the RTA manual drawn up and implemented by persons holding appropriate RTA accreditation.
2. That the section of roadway adjoining the Bega Showground between East Street and Tathra Road, Bega, be temporarily closed from 9am to 5pm on 13, 14 and 15 February 2009 for the Far South Coast National Show.
3. That Park Lane and East Street, between Parker Street and Belmore Street, Bega, be one-way flow eastbound/southbound on 13, 14 and 15 February 2009 for the Far South Coast National Show.
4. That organisers implement an approved Special Event Transport Management Plan and have approved public liability insurance indemnifying Council.
5. That the event not proceed without written Police approval to Hold a Public Assembly.

577/08 RESOLVED on the motion of Crs Britten and Sandrey that Item 3 of the Finance & Infrastructure Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Pincini, Sandrey, Seckold and Wykes

AGAINST: Cr Hughes

4. Barclay Street, Eden – *No Parking* for school “kiss & drop area”

RECOMMENDATION

That 32 metres of *No Parking* be established on the north side of Barclay Street, Eden, for a “kiss & drop area” at Eden Marine High School. This is to extend from 111 metres east of the Princes Highway to 143 metres east of the Princes Highway and operate 8am to 4pm school days.

578/08 RESOLVED on the motion of Crs Britten and Sandrey that Item 4 of the Finance & Infrastructure Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Pincini, Sandrey, Seckold and Wykes

AGAINST: Cr Hughes

5. Bega Valley Rally road closures

RECOMMENDATION

That, subject to the following conditions, the road closures requested for Upper Cobargo Road, Buckajo Road, Coopers Gully Road and The Snake Track for competitive stages of the Bega Valley Rally on 7 June 2009 be approved:

- The rally is to be conducted under an approved Traffic Control Plan achieving the RTA Traffic Control Manual requirements for a Class 2 special event.
- Rally organisers shall arrange approved public advertising of the changed traffic conditions for the rally.
- Rally organisers are to have public liability insurance for an amount of \$20m for the event with an indemnification for Bega Valley Shire Council.
- The event shall not proceed without written Police approval to Hold a Public Assembly.

579/08 RESOLVED on the motion of Crs Britten and Sandrey that Item 5 of the Finance & Infrastructure Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Pincini, Sandrey, Seckold and Wykes

AGAINST: Cr Hughes

6. Ford Park Courts

RECOMMENDATION

1. That a Joint User group committee of seven manage the Ford Park Courts with the membership of the committee to be comprised of three basketball club representatives, three netball club representatives and a Councillor as an independent Chair for a trial period of twelve months, with each club contributing \$2,000 to the management committee fund.
2. That the Committee be requested to progress the provision of a multi purpose third court as a matter of urgency.
3. That Councillor Pincini be nominated as the Chair.

580/08 RESOLVED on the motion of Crs Britten and Sandrey that Item 6 of the Finance & Infrastructure Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Pincini, Sandrey, Seckold and Wykes

AGAINST: Cr Hughes

7. Certificate of Investments made under Section 625 of the Local Government Act 1993

RECOMMENDATION

That the Certificate of Investment made under Section 625 of the Local Government Act, 1993 as at 30 November 2008 be received and noted.

581/08 RESOLVED on the motion of Crs Britten and Sandrey that Item 7 of the Finance & Infrastructure Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Pincini, Sandrey, Seckold and Wykes

AGAINST: Cr Hughes

8. Water Restrictions Policy

RECOMMENDATION

1. That Councillors note the Water Restrictions Policy and the principles and circumstances for introducing water restrictions in the Shire.
2. That a workshop be planned for mid 2009 to review the Water Restrictions Policy and amend if required and to consider the development of a Water Conservation Policy and/or Demand Management Strategy.

582/08 RESOLVED on the motion of Crs Britten and Sandrey that Item 8 of the Finance & Infrastructure Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Pincini, Sandrey, Seckold and Wykes

AGAINST: Cr Hughes

9. Bega depot and workshop

RECOMMENDATION

1. That the General Manager be delegated authority to negotiate and execute terms with the RFS and SES to facilitate a new emergency services centre on the former Telstra site between the Princes Highway and Minyama Parade Bega.
2. That the Bega Depot and Workshop project (with confirmed negotiations, designs and estimates) be placed for consideration in the 2009/11 Budget, funded by loans (repaid by RFS/SES instalments and lease returns from the Telstra site) and water and sewer reserves.

3. That a report be prepared on the operation and opportunities for out-sourcing or expansion of the business of the workshop.

583/08 RESOLVED on the motion of Crs Britten and Sandrey that Item 9 of the Finance & Infrastructure Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Pincini, Sandrey, Seckold and Wykes

AGAINST: Cr Hughes

10. Provision of a Corporate Software System (Tender 06/08)

RECOMMENDATION

1. That Council not accept any of the tenders for the proposed contract (Tender 06/08 Supply, Installation, Training and Annual Maintenance of a Corporate Software System).
2. That fresh tenders not be called.
3. That Council enter negotiations with Civica Australia P/L as it presents as an appropriate transition from the current Civica 2000 product to the new integrated and web based software system.
4. That Council delegate authority to the General Manager to execute the necessary contracts with Civica Australia to deliver the modules and outcomes described in the contract documents as a minimum, together with other product and financing options presented during evaluation process.
5. That all tenderers be advised of Council's decision.
6. That the upgrade be funded from IT reserve, IT operational budget and operational examination reserve, noting that leasing options will be explored.
7. That implementation resources for the software system, e-portal and electronic documentation (including training and temporary appointments) be funded from 2008/09 staff budget savings, IT reserve and operational examination reserve.
8. That it be noted an Information and Communications Technology Strategy will be presented in 2009.

584/08 RESOLVED on the motion of Crs Britten and Sandrey that Item 10 of the Finance & Infrastructure Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Pincini, Sandrey, Seckold and Wykes

AGAINST: Cr Hughes

11. Pambula Pool repairs

RECOMMENDATION

1. That Council allocate \$260,000 of funding for the Pambula Pool refurbishment from:
 - Reallocation of funds from the Tathra Ring Road \$110,000
 - Asset replacement reserve \$100,000
 - Reallocation of funds from Rotary Park Merimbula \$50,000
2. That the Tathra Ring Road project be placed for consideration in the 2009/10 budget.
3. That the above amendments to the 2008/09 Management Plan be advertised.

585/08 RESOLVED on the motion of Crs Britten and Sandrey that Item 11 of the Finance & Infrastructure Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Pincini, Sandrey, Seckold and Wykes

AGAINST: Cr Hughes

12. Pambula Pool Upgrade Funding Submission

RECOMMENDATION

1. That Council note an application for funding of \$2,200,000 for the Pambula Pool project has been lodged.
2. That Council note the assistance of PACi in the preparation of the application in particular the effort of Mrs Janet Brandon.
3. That Council advise PACi that it offers in principle support for the project and that when the facility feasibility study is delivered to Council and the determination of the funding application is known, a further report to Council will be prepared.

586/08 RESOLVED on the motion of Crs Britten and Sandrey that Item 12 of the Finance & Infrastructure Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Pincini, Sandrey, Seckold and Wykes

AGAINST: Cr Hughes

13. Review of Community Proposals – Federal Government Regional and Local Community Infrastructure Program

RECOMMENDATION

1. That the following projects be submitted to the 2008/09 Regional and Local Community Infrastructure Program:
 - Bermagui safety fencing around children's playground (Apex Park) \$20,000
 - Merimbula footpath and fence \$280,000
 - Beauty Point Jetty - additional rock work \$8,500
 - Bega netball courts seating \$2,000
 - Bega/Angledale cricket shed \$9,500
 - Bemboka pathway project \$10,000
 - Bermagui pre school solar project \$6,000
 - Berrambool AFL Sportsground upgrade \$35,000
 - Bermagui Blue Pool viewing platform \$10,000
 - Candelo pool path and river walk projects \$56,000
 - Eden/Chandos St island landscape adjacent to toilet refurbishment \$56,000
 - Cobargo - footpath to preschool \$30,000
 - Cobargo - walkway to bridge handrail \$5,000
 - Pambula cycle/pedestrian pathway - Narregol to Dingo \$60,000
 - Merimbula Fish Pen park rock wall \$80,000
 - Eden George Brown Sportground second stage \$85,000
 - Eden Imlay Street trip hazards (footpaths) \$50,000
 - Kalaru bus shelter footpath \$7,500
 - Bega Kisses Lagoon path \$10,000
 - Nethercote reserve \$12,000

- Pambula playground behind Post Office Pambula \$30,000
- Quaama Park fence and shelter power \$9,500
- Merimbula safety barriers on road leading to Merimbula Wharf \$20,000
- Tathra upgrade and augment - Lawrence Park seating \$6,000
- Tathra upgrade - Tathra walking track headland to Kianniny \$10,000
- Wyndham sportsground and pony club \$12,000
- Bega sk8 park \$40,000
- Cobargo playground fence - Apex Park \$16,600
- Tathra landscape foreshore area around Taylor Square \$35,000

Giving a total recommended expenditure of \$1,011,600.00, subject to additional project management of \$100,000 and where necessary, any shortfall be met from existing Section 94 contributions.

2. That the following projects that have not been funded in this round be given priority consideration for subsequent rounds of this program:
 - Ben Boyd heritage walk
 - Aslings Beach walkway
 - Bega Town Centre to River bike path
 - Dickinson Park sportsground
 - Dilkera Road – Andy Poole Drive steps
 - Gipps Street Youth Centre
3. That a final report be presented to Council on 20 January 2009.

587/08 RESOLVED on the motion of Crs Britten and Sandrey that Item 13.1 of the Finance & Infrastructure Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Pincini, Sandrey, Seckold and Wykes

AGAINST: Cr Hughes

RECOMMENDATION

That Council staff coordinate a meeting with representatives of the MACA, together with Councillors, to clarify the scope and estimates of the Merimbula footpath and fencing project.

588/08 RESOLVED on the motion of Crs Britten and Sandrey that Item 13.2 of the Finance & Infrastructure Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Pincini, Sandrey, Seckold and Wykes

AGAINST: Cr Hughes

PLANNING AND ENVIRONMENT COMMITTEE

1. Confirmation of minutes

There were no Planning & Environment Committee minutes to be confirmed.

2. Apologies

There were no apologies.

3. DA No. 2007.0133: Subdivision to create four concessional lots and a residue – Lot 33 DP1008116, Stephenson's Lane, Quaama

RECOMMENDATION

1. That Development Application No. 2007.0133 for a staged five lot subdivision on Lot 33 DP1008116, Stephenson's Lane, Quaama, be approved subject to the draft conditions of consent presented to Council on 23 December 2008.
2. That those persons who made an objection be advised of Council's decision.

589/08 RESOLVED on the motion of Crs Campbell and Britten that Item 3 of the Planning & Environment Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

4. Council Maintained Roads: Legal and Practical Access

RECOMMENDATION

That standards be adopted for legal and practical access to developments on Crown portions and Crown allotments based on the requirements of Development Control Plan No. 2

Access via a right of carriageway, right of access or easement for access over private lands would be constructed to a 4.0 metre wide gravel standard with any construction within a Crown Road Reserve being constructed to a 6.4 metre wide bitumen seal standard. Access via a Crown Road Reserve would require an application under Procedure 4.1.1.q with a report to Council to consider approval

590/08 RESOLVED on the motion of Crs Campbell and Britten that Item 4 of the Planning & Environment Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

5. Change to Broom declaration to Class 3 Noxious Weed

RECOMMENDATION

That Council apply to the Minister for Primary Industries, The Hon. Ian McDonald MLC, to have Scotch / English, Cape / Montpellier and Flax-leaf Broom species declared as Class 3 noxious weeds.

591/08 RESOLVED on the motion of Crs Campbell and Britten that Item 5 of the Planning & Environment Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

9. Rescission/alteration motions

There were no rescission/alteration motions.

10. Notices of Motion

There were no notices of motion.

11. Urgent business (not elsewhere included)

There were no items of urgent business.

12. Questions on notice

There were no questions on notice.

13. Questions without notice

Cr Campbell asked the Group Manager of Infrastructure for his comments on the likely cause of dirty water in the Tathra and Bega areas, what steps could be taken to try and alleviate it and whether we should have a policy in place to allay the fears of residents regarding this on-going problem. Cr Campbell also asked if a report to Council could be prepared regarding this matter.

The Group Manager of Infrastructure advised that testing had been carried out over the past couple of years to ascertain what the cause of this problem was, but it was still not known. The request for a report was taken on notice by the Group Manager.

Cr Hede asked the Group Manager of Infrastructure regarding parking issues in Merimbula, in particular Market Street, and the lack of marked parking bays.

The Group Manager of Infrastructure advised that line marking of parking bays could be carried out if requested by Councillors.

14. Resolutions to declassify reports considered in closed session

There were no resolutions to declassify reports considered in previous closed sessions.

Closure

There being no further business, the Chairperson closed the meeting at 4.15 pm.

CONFIRMED

CHAIRPERSON

Chairperson of the meeting of the Bega Valley Shire Council held on
at which meeting the signature hereon was subscribed.