

# Ordinary Meeting Minutes

Held on Tuesday 3 March 2009  
at the Council Chambers, Bega commencing at 2.00 pm

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

**IN ATTENDANCE** Mr Peter Tegart – General Manager, Ms Leanne Barnes – Group Manager Community and Relationships, Mr Andrew Woodley – Group Manager Planning and Environment, Mr Doug Mein – Group Manager Infrastructure Waste & Water, Ms Michelle Preo – Minute Secretary

## 1. Confirmation of minutes

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43/09 RESOLVED on the Motion of Crs Britten and Campbell that the Minutes of the Ordinary Meeting of 10 February 2009, as circulated, be taken as read and confirmed.

## 2. Apologies

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There were no apologies.

## 3. Declarations

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### **Pecuniary interest**

Cr Britten declared a conflict of interest regarding Planning & Environment Committee Report No. 5 - Merimbula Town Centre – Planning proposals on the basis that he is the owner of commercial property in Merimbula. A signed declaration form was tabled by Cr Britten for inclusion in the Register.

### **Non Pecuniary Conflict of interest**

Cr Campbell declared a conflict of interest regarding Planning & Environment Committee Report No. 7 - DA No. 2002.1091: Modification of consent – Aged persons housing development, Tathra Road, Kalaru on the basis that he is a member of the Steering Committee of the Lions Club proposal for Kalaru. A signed declaration form was tabled by Cr Campbell for inclusion in the Register.

#### **4. Deputations (by prior arrangement)**

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Mr Tony Taylor, on behalf of Mr David King, addressed the Council regarding Planning & Environment Committee Report No. 6 - DA No. 2008.0136: Regularisation of unauthorised clearing and construction of a private driveway – Old Mill Road, Wolumla and responded to questions from Councillors.

The Mayor thanked Mr Taylor for his address.

#### **5. Petitions**

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A petition containing more than 800 signatures was tabled by the Mayor in support of the establishment of a sports field and associated facilities at Evans Park Kalaru.

##### **SUSPENSION OF STANDING ORDERS**

44/09 RESOLVED on the motion of Crs Britten and Seckold

That Standing Orders be suspended to allow Council to adjourn into Closed Session at the end of the Ordinary meeting to discuss Items 6 & 7 of the Community, Cultural & Economic Development Committee.

##### **RESUMPTION OF STANDING ORDERS**

#### **6. Mayoral Minutes**

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There were no Mayoral Minutes.

#### **7. Adjournment into Standing Committees**

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45/09 RESOLVED on the motion of Crs Pincini and Wykes that the Ordinary Meeting of the Council be adjourned for the purpose of dealing with staff reports to Standing Committees.

2.08 pm The Ordinary meeting adjourned and formed in the committee, reconvening at 3.45 pm.

#### **8. Adoption of reports from Standing Committees**

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## CORPORATE MANAGEMENT COMMITTEE

### 1. Confirmation of minutes

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#### RECOMMENDATION

That Council note that the Minutes of the Corporate Management Committee meeting held on 10 February 2009, as circulated, were taken as read and confirmed.

46/09 RESOLVED on the motion of Crs Hughes and Britten that Item 1 of the Corporate Management Committee as reported be adopted.

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

AGAINST: Nil

### 2. Apologies

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There were no apologies.

### 3. Sale of Lot 12 Twofold Court, Eden to Eden Resort Hotel Pty

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#### RECOMMENDATION

1. That Council offer Lot 12 DP 707599 for sale to Eden Resort Hotel Pty Ltd for \$105,000.
2. That Council authorise the Mayor and General Manager to execute all the necessary documents to affect the sale to the developer and any associated applications.

47/09 RESOLVED on the motion of Crs Hughes and Britten 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. Sapphire Coast Tourism Limited 2009/10 Business Plan

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#### RECOMMENDATION

1. That Council receive and note the Business Plan for Sapphire Coast Tourism Ltd.

2. That Council refer the request from Sapphire Coast Tourism Limited, for direct financial assistance to the 2009/10 budget development process.

48/09 RESOLVED on the motion of Crs Hughes and Britten 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

## COMMUNITY CULTURAL & ECONOMIC DEVELOPMENT COMMITTEE

### 1. Confirmation of minutes

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#### RECOMMENDATION

That Council note that the Minutes of the Community, Cultural and Economic Development Committee meeting held on 10 February 2009, as circulated, were taken as read and confirmed.

49/09 RESOLVED on the motion of Crs Pincini and Britten that Item 1 of the Community, Cultural & Economic Development Committee as reported be adopted.

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

AGAINST: Nil

### 2. Apologies

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There were no apologies.

### 3. Alcohol consumption prohibition – Bega War Memorial Reserve

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#### RECOMMENDATION

1. That the consumption of alcohol in the Carp Street, Bega Memorial Reserve be prohibited pursuant to Section 632 of the Local Government Act 1993 and that signage be erected to delineate the areas to which the prohibitions apply.
2. That the Bega RSL Sub Branch be thanked for their application, and that the RSL and Bega Police be advised of Council's decision.

50/09 RESOLVED on the motion of Crs Pincini and Britten that Item 3 of the Community, Cultural & Economic Development Committee as reported be adopted.

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

AGAINST: Nil

#### **4. South East Arts Region: 2008 achievements and Service Agreement**

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##### **RECOMMENDATION**

That Council note South East Arts Region (SEAR) organisation's achievements for 2008 and its 2008/2009 service agreement.

51/09 RESOLVED on the motion of Crs Pincini and Britten that Item 4 of the Community, Cultural & Economic Development Committee as reported be adopted.

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

AGAINST: Nil

#### **5. Regional Gallery Advisory Committee membership**

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##### **RECOMMENDATION**

That Council appoint Ms Susan Lyons to the Regional Gallery Advisory Committee.

52/09 RESOLVED on the motion of Crs Pincini and Britten that Item 5 of the Community, Cultural & Economic Development Committee as reported be adopted.

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

AGAINST: Nil

#### **6. Young Women Scholarship applications 2009**

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This matter was deferred for consideration in closed session.

#### **7. Senior of the Year, 2009**

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This matter was deferred for consideration in closed session.

## FINANCE AND INFRASTRUCTURE COMMITTEE

### 1. Confirmation of minutes

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#### RECOMMENDATION

That Council note that the Minutes of the Finance and Infrastructure Committee meeting held on 10 February 2009, as circulated, were taken as read and confirmed.

53/09 RESOLVED on the motion of Crs Britten and Campbell that Item 1 of the Finance & Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

### 2. Apologies

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There were no apologies.

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

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#### RECOMMENDATION

That the Certificate of Investment made under Section 625 of the Local Government Act, 1993 as at 31 January 2009 be received and noted.

54/09 RESOLVED on the motion of Crs Britten and Campbell that Item 3 of the Finance & Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

### 4. Candelo Town Hall Café Lease

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#### RECOMMENDATION

1. That Council resolve to lease the Candelo Town Hall Café to Mr Tinsley Waterhouse for \$3,000 plus GST indexed per annum.
2. That Council resolve to dispose of the fridge from the Candelo Town Hall Café at public auction.

55/09 RESOLVED on the motion of Crs Britten and Campbell that Item 4 of the Finance & Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

## 5. William Street, Candelo – temporary road closure for festival

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### RECOMMENDATION

That, subject to the following conditions, William Street, Candelo, be temporarily closed between Eden and Panbula Streets from noon on Saturday, 28 March 2009 to 1am on Sunday, 29 March 2009 for a music and arts festival.

- Written Police approval for the event.
- Full implementation of the Special Event Transport Management Plan and an approved Traffic Control Plan with the submitted plan modified slightly to show a queuing lane inside the parking area at its entrance so as to prevent queuing on William Street.
- Provision of public liability insurance to the value of \$20m with an indemnity for Council.

56/09 RESOLVED on the motion of Crs Britten and Campbell that Item 5 of the Finance & Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

## 6. Anzac day events

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### RECOMMENDATION

That the traffic control issues faced by organisers of Anzac Day events be noted and the intention of staff to assist where possible be supported.

57/09 RESOLVED on the motion of Crs Britten and Campbell that Item 6 of the Finance & Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

## 7. Regional Community Infrastructure Program

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### RECOMMENDATION

1. That Council note the costs schedules and conclusion of the draft feasibility study tabled at the workshop submitted by McDonald International and the presentation by Pambula Aquatic Centre Inc. at the Councillor workshop on 3 March 2009.
2. That Council submit an updated submission for the Pambula Pool Project for \$2.2M with the Regional Community Infrastructure Program.
3. That should the grant be successful, a further report be presented to Council on the staging of construction and potential impacts on the current operation of the pool.
4. That Council confirm its support to the Pambula Aquatic Centre Inc. for funding up to \$80,000 per year indexed.

58/09 RESOLVED on the motion of Crs Britten and Campbell that Item 7 of the Finance & Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

### PLANNING AND ENVIRONMENT COMMITTEE

#### 1. Confirmation of minutes

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### RECOMMENDATION

That Council note that the Minutes of the Planning and Environment Committee meeting held on 10 February 2009, as circulated, were taken as read and confirmed.

59/09 RESOLVED on the motion of Crs Campbell and Hughes that Item 1 of the Planning & Environment Committee as reported be adopted.

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

AGAINST: Nil

#### 2. Apologies

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There were no apologies.

### 3. Bega Valley Aboriginal Cultural Heritage Study

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#### RECOMMENDATION

1. That Council re-form the steering committee and complete the Aboriginal Heritage Study as soon as possible and nominate Crs Britten and Seckold to that Committee.
2. That Council note minor changes have been made to the current referral process in that development applications with minimum impact potential are not being referred to the Local Land Councils.
3. That the protocol/referral process be further refined following completion of the Study.

60/09 RESOLVED on the motion of Crs Campbell and Pincini that Item 3 of the Planning & Environment Committee as reported be adopted.

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

AGAINST: Cr Hughes

### 4. Improving the sustainability of Council's operations

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#### RECOMMENDATION

That Council further progresses the sustainability of its own operations by joining the DECC 'Sustainability Advantage' program.

61/09 RESOLVED on the motion of Crs Campbell and Hughes that Item 4 of the Planning & Environment Committee as reported be adopted.

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

AGAINST: Cr Allen

### 5. Merimbula Town Centre – Planning proposals

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#### Pecuniary interest

Cr Britten declared a pecuniary interest on the basis that he is the owner of commercial property in Merimbula and departed the meeting room, taking no part in debate or voting on this item.

## RECOMMENDATION

That Council resolve to:

- a) nominate the sites shown in Attachment 1 for potential road widening and/or road diversion purposes subject to finalisation of traffic modelling and studies underway;
- b) hold further discussions and negotiations with owners of key sites in the Merimbula Town Centre.

62/09 RESOLVED on the motion of Crs Campbell and Pincini that Item 5 of the Planning & Environment Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Britten

Cr Britten returned to the meeting room.

### 6. DA No. 2008.0136: Regularisation of unauthorised clearing and construction of a private driveway – Old Mill Road, Wolumla

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Following an address to Council, this item was deferred in keeping with Council's Code of Meeting Practice.

### 7. DA No. 2002.1091: Modification of consent – Aged persons housing development, Tathra Road, Kalaru

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#### Non Pecuniary Conflict of interest

Cr Campbell declared a conflict of interest on the basis that he is a member of the Steering Committee of the Lions Club proposal for Kalaru and departed the meeting room, taking no part in debate or voting on this item.

## RECOMMENDATION

1. That the application to modify Development Consent 2002.1091 be approved as submitted in accordance with the Draft Notification of Determination and Draft Development Consent submitted to Council at its meeting dated 3 March 2009.
2. That those persons who made a submission during the exhibition process be advised of Council's determination.

63/09 RESOLVED on the motion of Crs Britten and Sandrey that Item 7 of the Planning & Environment Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Campbell

Cr Campbell returned to the meeting room.

## **8. DA No. 2008.0207: Staged concessional lot subdivision – Princes Highway, Frogs Hollow**

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### **RECOMMENDATION**

That this item be deferred until a report is prepared on the potential impacts of the proposed subdivision on Yellow Pinch Pipeline, and appropriate means to address same.

64/09 RESOLVED on the motion of Crs Campbell and Hughes that Item 8 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. DA No. 2008.0481: Erection of a dwelling – Lot 21 DP 707712, Wallaga Lake Road, Bermagui**

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### **RECOMMENDATION**

1. That Development Application No. 2008.0481 for a dwelling be approved subject to the terms and conditions as detailed in the Draft development consent as submitted to Council at its meeting dated 3 March 2009 with an amendment to Condition 13 so that effluent performance indicator levels are **not** greater than the prescribed amounts.
2. That those individuals who made a submission during the public exhibition of the application be formally advised of Council's determination.

65/09 RESOLVED on the motion of Crs Campbell and Britten that Item 9 of the Planning & Environment Committee as reported be adopted.

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

AGAINST: Cr Hughes

**10. DA No. 2008.0479: Erection of a dwelling – Lot 22 DP 707712, Wallaga Lake Road, Bermagui**

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**RECOMMENDATION**

1. That Development application No. 2008.0479 for a dwelling be approved subject to the terms and conditions as detailed in the Draft development consent as submitted to Council at its meeting dated 3 March 2009 with an amendment to Condition 13 so that effluent performance indicator levels are **not** greater than the prescribed amounts.
2. That those individuals who made a submission during the public exhibition of the application be formally advised of Council's determination.

66/09 RESOLVED on the motion of Crs Campbell and Britten that Item 10 of the Planning & Environment Committee as reported be adopted.

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

AGAINST: Cr Hughes

**11. DA No. 2007.0144: Request for modification of consent – construction of 222 seat entertainment establishment – Stage 2 Twyford Hall redevelopment – Market Street, Merimbula**

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**RECOMMENDATION**

That the request for modification under Section 96 of the Environmental Planning and Assessment Act 1979 of Development Consent No. 2007.0144 being for the construction of an entertainment establishment – theatre by deletion of Condition 7 is approved.

67/09 RESOLVED on the motion of Crs Campbell and Britten that Item 11 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

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There were no rescission/alteration motions.

## 10. Notices of Motion

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There were no notices of motion.

## 11. Urgent business (not elsewhere included)

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There were no items of urgent business.

## 12. Questions on notice

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**Cr Campbell** asked the Group Manager of Planning and Environment regarding the outbreak within the Shire of Blue Hound Tongue and what was being done by Council to control it.

The Group Manager of Planning and Environment provided a Memo to Councillors on 24 February 2009 which provided the answer to this question which was taken on notice at the last Council Meeting.

## 13. Questions without notice

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**Cr Hede** asked a question regarding the reported contamination and recent closing of the Bemboka Pool and whether it had been satisfactorily resolved and if there were any issues with any other pools in the Shire.

The Group Manager of Infrastructure, Waste & Water advised that Council was not aware of any issues with any pools in the Shire and there was no direct evidence linking Bemboka or Candelo pools to Cryptosporidium outbreak or one case of Cryptosporidiosis. As a precautionary measure, both Bemboka and Candelo pools were super-chlorinated and all pools in the Shire are open.

**Cr Britten** asked whether Council had received a response regarding the application that it forwarded to the Federal Government some weeks ago for the Infrastructure Grants.

The General Manager advised that we have had advice that a response is expected this Friday or the following Monday regarding the \$1.43M grant.

## 14. Confidential Business: Adjournment into Closed Session

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68/09 RESOLVED on the motion of Crs Britten and Pincini

1. That Council resolve into Closed Session to consider the following business on the basis that it is:
  - personal matters concerning particular individuals (other than councillors)
2. That pursuant to Section 10A of the Local Government 1993, the press and public be excluded from the proceedings on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2) of the Act as outlined above.
3. That the correspondence and reports relevant to the subject business be withheld from access to the press and public as required by the Local Government Act 1993, Section 11(2).

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

AGAINST: Nil

## 6. Young Women Scholarship applications 2009

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69/09 RESOLVED on the motion of Crs Britten and Campbell

That Council endorse the recommendation of Young Women's Scholarship recipient for 2009 considered in closed session.

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

AGAINST: Nil

## 7. Senior of the Year, 2009

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70/09 RESOLVED on the motion of Crs Britten and Campbell

That Council endorse the recommendation of Senior of the Year 2009 considered in closed session.

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

AGAINST: Nil

## 15. Resolutions to declassify reports considered in closed session

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

### Closure

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There being no further business, the Chairperson closed the meeting at 3.59 pm.

CONFIRMED .....

CHAIRPERSON

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

DRAFT