

Ordinary Meeting Minutes

Held on Tuesday 24 March 2009

at the Council Chambers, Bega commencing at 2.03 pm

PRESENT Councillor Allen (CHAIRPERSON) and Councillors Britten, Campbell, Hede, 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 Janelle Curtis – Minute Secretary

1. Confirmation of minutes

71/09 RESOLVED on the Motion of Crs Britten and Seckold that the Minutes of the Ordinary Meeting of 3 March 2009, as circulated, be taken as read and confirmed.

2. Apologies

72/09 RESOLVED on the Motion of Crs Sandrey and Britten that the apology received from Cr Hughes be accepted for his inability to attend the meeting.

3. Declarations

Pecuniary Interest

Cr Pincini declared a pecuniary interest regarding Item 6, Finance and Infrastructure: Merimbula Drive, Market Street and Beach Street, Merimbula – temporary road closures for 2009 Merimbula Jazz Festival, on the basis that that he owns a business that may be affected by this matter. A signed declaration form was tabled by Cr Pincini for inclusion in the Register.

Cr Britten declared a pecuniary interest regarding Item 5, Corporate Management, Le Brun – Purchase of part road reserve, on the basis that he is the solicitor for the applicant. A signed declaration form was tabled by Cr Britten for inclusion in the Register.

Cr Britten declared a pecuniary interest regarding Item 5, Planning and Environment DA No. 2007.0640: Two lot subdivision – Lot 43 DP814168, Widgeram Road,

Bournda, on the basis that he is the solicitor for the applicant. A signed declaration form was tabled by Cr Britten for inclusion in the Register.

4. Deputations (by prior arrangement)

There were no deputations

5. Petitions

There were no petitions.

6. Mayoral Minutes

There were no Mayoral Minutes.

7. Adjournment into Standing Committees

73/09 RESOLVED on the motion of Crs Campbell and Britten that the Ordinary Meeting of the Council be adjourned for the purpose of dealing with staff reports to Standing Committees.

2.04 pm The Ordinary meeting adjourned and formed in the committee, reconvening at 2.46 pm.

8. Adoption of reports from Standing Committees

CORPORATE MANAGEMENT COMMITTEE

1. Confirmation of minutes

RECOMMENDATION

That Council note that the Minutes of the Corporate Management Committee meeting held on 3 March 2009, as circulated, were taken as read and confirmed.

74/09 RESOLVED on the motion of Crs Britten and Pincini that Item 1 of the Corporate Management Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Hughes

2. Apologies

RECOMMENDATION

That Council note that the apology from Crs Hughes was accepted.

75/09 RESOLVED on the motion of Crs Britten and Pincini that Item 2 of the Corporate Management Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Hughes

3. Appointment of Secretary to Tathra Hall and Wharf Museum Committee

RECOMMENDATION

That Michelle Russell be appointed to the position of Secretary of the Tathra Hall and Wharf Museum Committee.

76/09 RESOLVED on the motion of Crs Britten and Pincini that Item 3 of the Corporate Management Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Hughes

4. Proposed adoption of Enforcement and Compliance Policy

RECOMMENDATION

That the proposed Bega Valley Shire Council Enforcement and Compliance Policy (No. 4.3.4) be adopted with the addition to the Enforcement and Compliance Guidelines (4.3.4 (a)) of a fourth point under the section "Deciding on prosecution action":

4. Will witnesses other than Council officers, such as complainants, be willing to give evidence?

77/09 RESOLVED on the motion of Crs Britten and Pincini that Item 4 of the Corporate Management Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Hughes

5. Le Brun – Purchase of part road reserve

Pecuniary Interest

Cr Britten declared a pecuniary interest on the basis that he is the solicitor for the applicant and departed the meeting room, taking no part in debate or voting on this item.

78/09 RESOLVED on the motion of Crs Wykes and Campbell that Item 5 of the Corporate Management Committee as reported be adopted.

RECOMMENDATION

That Council authorise the General Manager to execute the necessary documents to affect the closure of part of the Merimbula Lane road reserve and subsequent transfer of the land to E & P Le Brun, subject to all costs being borne by them and to payment of \$5,000 by them to Council for the land acquisition.

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

AGAINST: Nil

ABSENT: Crs Hughes and Britten

6. Southern Councils Group minutes of meeting 14 November 2008

RECOMMENDATION

That Council endorse the resolutions of the Southern Councils Group meeting held on 14 November 2008.

79/09 RESOLVED on the motion of Crs Britten and Pincini that Item 6 of the Corporate Management Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Hughes

COMMUNITY CULTURAL & ECONOMIC DEVELOPMENT COMMITTEE

1. Confirmation of minutes

RECOMMENDATION

That Council note that the Minutes of the Community Cultural and Economic Committee meeting held on 3 March 2009, as circulated, were taken as read and confirmed.

80/09 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, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Hughes

2. Apologies

RECOMMENDATION

That Council note that the apology from Crs Hughes was accepted.

81/09 RESOLVED on the motion of Crs Pincini and Britten that Item 2 of the Community, Cultural & Economic Development Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Hughes

3. Regional Development Australia

RECOMMENDATION

That Cr Britten and the General Manager be nominated to Regional Development Australia for consideration for membership of the local committee.

82/09 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, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Hughes

FINANCE AND INFRASTRUCTURE COMMITTEE

1. Confirmation of minutes

RECOMMENDATION

That Council note that the Minutes of the Finance and Infrastructure meeting held on 3 March 2009, as circulated, were taken as read and confirmed.

83/09 RESOLVED on the motion of Crs Britten and Pincini that Item 1 of the Finance & Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Hughes

2. Apologies

RECOMMENDATION

That Council note that the apology from Crs Hughes was accepted.

84/09 RESOLVED on the motion of Crs Britten and Pincini that Item 2 of the Finance & Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Hughes

3. Utilities Inquiry into secure and sustainable urban water supply and sewerage services for non-metropolitan NSW

RECOMMENDATION

1. Council note the findings of the report of the Inquiry into secure and sustainable urban water supply and sewerage services for non-metropolitan NSW and its recommendations relating to Bega Valley Shire Council.

2. The Minister for Water and Energy be advised that Council supports the recommendations of the Inquiry as Bega Valley Shire Council remaining a stand alone local water utility.

Further, that the Minister for Water and Energy be advised that Council particularly supports the mandating of the Best Practice Guidelines as a way of ensuring that the reform commenced by the independent Inquiry panel continues, and that pricing be set by the local water utility with reference to the Department of Water and Energy, in accord with adopted strategic business plans.

3. Council explore alliance opportunities with nearby Councils particularly Eurobodalla and Shoalhaven.

85/09 RESOLVED on the motion of Crs Britten and Pincini 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: Nil

ABSENT: Cr Hughes

4. Signage – Tathra water storage tower

RECOMMENDATION

That Council approve the attachment of the Clean Energy For Eternity logo 50/50 by 2020 to the exterior wall of the water storage tower at Tathra subject to:

- (a) All costs to be met by CEFE;
- (b) A satisfactory works schedule being provided which includes details of OH & S strategies in relation to attachment and maintenance.
- (c) All maintenance to be the responsibility of CEFE.
- (d) If at any stage removal is required that this be the responsibility of CEFE.

86/09 RESOLVED on the motion of Crs Britten and Pincini 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: Nil

ABSENT: Cr Hughes

5. Anzac Day 2009 – temporary road closures

RECOMMENDATION

1. That Anzac Day events within the Shire be deemed Class 2 special events where a state highway is not involved or Class 1 special events where a state highway is involved and that they be conducted under Traffic Control Plans achieving the RTA Traffic Control Manual.
2. That Council endorse the annual conduct of Anzac Day marches and associated road closures, until otherwise determined, subject to satisfactory receipt of traffic control plans and indemnity insurances, authorised by the General Manager or delegated staff member.
3. That, under delegated function from the RTA, Council approves temporary closure of sections of Chandos Street, Bass Street and Calle Calle Street between 10.30am and 11.30am on Saturday 25 April 2009 for the purpose of an Anzac Day event at Eden as per tabled Traffic Control Plan #3822.
4. That, under delegated function from the RTA, Council temporarily closes Auckland Street between 5.30am and 6.45am on Saturday 25 April 2009 for the purpose of an Anzac Day event at Bega as per tabled Traffic Control Plan #3823.
5. That, under delegated function from the RTA, Council temporarily closes Auckland Street between noon and 12.30pm on Saturday 25 April 2009 for the purpose of an Anzac Day event at Bega as per tabled Traffic Control Plan #3823.
6. That, under delegated function from the RTA, Council temporarily closes the Bega Street service road between 5.30am and 6.30am on Saturday 25 April 2009 for the purpose of an Anzac Day event at Tathra as per tabled Traffic Control Plan #3829.
7. That, under delegated function from the RTA, Council temporarily closes sections of Bega Street and the Bega Street service road between 8.00am and 9.00am on Saturday 25 April 2009 for the purpose of an Anzac Day event at Tathra as per tabled Traffic Control Plan #3829.
8. That, under delegated function from the RTA, Council temporarily closes Bega Street, Wolumla between 8.30am and 10.00am on Saturday 25 April 2009 for the purpose of an Anzac Day event as per tabled Traffic Control Plan #3830.
9. Also that, under delegated function from the RTA, Council temporarily closes a section of Beach Street, Merimbula between 5.30am and 7.00am on Saturday 25 April 2009 for the purpose of an Anzac Day event at Merimbula as per tabled Traffic Control Plan #3826.

10. That, under delegated function from the RTA, Council temporarily closes sections of Alice Street, Main Street, Market Street and Beach Street, Merimbula between 10.30am and 12.00pm on Saturday 25 April 2009 for the purpose of an Anzac Day event at Merimbula as per tabled Traffic Control Plan #3826.
11. That, under delegated function from the RTA, Council temporarily closes a section of William Street, Candelo between 10.45am and 11.30am on Saturday 25 April 2009 for the purpose of an Anzac Day event at Candelo as per tabled Traffic Control Plan #3831.
12. That organisers of each event make their own arrangements for RTA-accredited Traffic Controllers to implement the prepared Traffic Control Plans.
13. That organisers of each event have approved public liability insurance of at least \$20,000,000 indemnifying Council and, where applicable, the RTA.
14. That the organisers of each event implement an approved Special Event Transport Management Plan, including Traffic Control Plan, for their event.
15. That appreciation be extended to Council engineering staff members George Lewis and Shaun Bell for their work in preparing the Traffic Control Plans.
16. That organisers of each event be advised of the above as soon as possible, and that this advice include a hard copy of the relevant Traffic Control Plan/s.

87/09 RESOLVED on the motion of Crs Britten and Pincini 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: Nil

ABSENT: Cr Hughes

6. Merimbula Drive, Market Street and Beach Street, Merimbula – temporary road closures for 2009 *Merimbula Jazz Festival*

Pecuniary Interest

Cr Pincini declared a pecuniary interest on the basis that that he owns a business that may be affected by this matter and departed the meeting room, taking no part in debate or voting on this item.

RECOMMENDATION

1. That, subject to the following conditions, on Saturday 6 June 2009 Beach Street be temporarily closed between Market Street and Alice Street from 10.30am to

1.00pm, Market Street be temporarily closed between Main Street and Monaro Street from 10.30am to 11.15am and Merimbula Drive be temporarily closed between Sapphire Coast Drive and Market Street from 10.30am to 11.15am for the *Merimbula Jazz Festival* street parade:-

- The street parade on Saturday 6 June 2009 be conducted under an approved Traffic Control Plan achieving the RTA Traffic Control Manual for a Class 2 special event.
 - The organisers have approved public liability insurance of at least \$20,000,000 indemnifying Council by name.
 - The organisers have written Police and RTA approval prior to conducting the event.
2. That the existing time-restricted *Bus Zone* on the east side of Market Street, Merimbula, just north of Beach Street, be established as a full time *Bus Zone* from 5.00pm on Friday 5 June 2009 to 5.00pm on Monday 8 June 2009.
 3. That organisers be advised of the above as soon as possible.
 4. That Council endorse the annual conduct of the Merimbula Jazz Festival event and associated road closures, until otherwise determined, and subject to satisfactory receipt of traffic control plans and indemnity insurances, authorised by the General Manager or delegated staff member.

88/09 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, Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Crs Hughes and Pincini

7. **Main Street, Merimbula – additional *No Stopping* at recently altered access**

RECOMMENDATION

That the No Stopping zone on the south side of Main Street, Merimbula, opposite the Merimbula Imlay Bowling Club, be extended by 37.5 metres westwards to create a total No Stopping zone length of 102 metres from the Sapphire Coast Drive junction.

89/09 RESOLVED on the motion of Crs Britten and Pincini 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: Nil

ABSENT: Cr Hughes

8. 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 28 February 2009 be received and noted.

90/09 RESOLVED on the motion of Crs Britten and Pincini 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: Nil

ABSENT: Cr Hughes

9. Special variation to general rate income: intention to apply

RECOMMENDATION

1. Council resolve to take up the Ministerial rate pegging amount when announced.
2. Council resolve to lodge a special variation application with the Minister, which consist of two components:
 - An amount of 50 cents per week to support sporting and recreational facility development applied to 17,912 residential and farmland properties.
 - An amount of \$250,000 from business ratepayers to be allocated towards business and tourism infrastructure.
 - The total rate increase to be 6.76 per cent inclusive of the rate pegging amount projected at this time as 2 per cent.
3. Council acknowledges that the special variation will form part of the draft Management Plan for 2009/10 which will be formally considered by Council at its April meeting and will then be placed on public exhibition for comment.

91/09 RESOLVED on the motion of Crs Britten and Pincini 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: Nil

ABSENT: Cr Hughes

PLANNING AND ENVIRONMENT COMMITTEE

1. Confirmation of minutes

RECOMMENDATION

That Council note that the Minutes of the Planning and Environment Committee meeting held on 3 March 2009, as circulated, were taken as read and confirmed.

92/09 RESOLVED on the motion of Crs Campbell and Britten that Item 1 of the Planning & Environment Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Hughes

2. Apologies

RECOMMENDATION

That Council note that the apology from Crs Hughes was accepted.

93/09 RESOLVED on the motion of Crs Campbell and Britten that Item 2 of the Planning & Environment Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Hughes

3. Climate Change – Draft NSW Sea Level Rise Policy Statement

RECOMMENDATION

1. Council support the draft NSW Sea Level Rise Policy Statement in principle and seek urgent preparation by the Department of Planning of Guidelines on implementation of the Policy benchmarks.

2. Council seek assurances that regular review of the NSW Sea Level Rise benchmarks be undertaken to ensure that the benchmarks are always based on the best available scientific information.
3. Staff continue to be proactive in considering the impacts of climate change including the development of Council and community adaptation and mitigation strategies.
4. Council's draft CLEP and draft DCP documents ensure consistency with the adopted NSW Sea Level Rise Policy statement.
5. Upon adoption of the NSW Sea Level Rise Policy statement staff provide further details of the Policy and Guidelines to Council's Coastal Planning and Management Committee and to Council for discussion of the implications and impacts on the draft CLEP and draft DCP.
6. Councillors note the preparation of climate changes statements and strategies scheduled for later in 2009.

94/09 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, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Hughes

4. Local Development Performance Monitoring Report 2007/08

RECOMMENDATION

That Council note the report submitted for Council's information.

95/09 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, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Hughes

5. DA No. 2007.0640: Two lot subdivision – Lot 43 DP814168, Widgeram Road, Bournda

Pecuniary Interest

Cr Britten declared a pecuniary interest on the basis that he is the solicitor for the applicant and departed the meeting room, taking no part in debate or voting on this item.

RECOMMENDATION

1. Development Application 2007.0261 for the two lot subdivision of Lot 43 DP814168 (No. 171) and Strata Plan 50576 (No. 111) Widgeram Road, Bournda be approved subject to the conditions outlined in the draft consent submitted to Council on 24 March 2009
2. Council add the 150m section of Crown Public Road, from its intersection with Widgeram Road to the access driveway to proposed Lot A to its road maintenance schedule.
3. The General Manager be delegated authority to determine development applications for concessional lot subdivision in accordance with Council Policy 4.1.1(q) "Extension of Council Maintained Roads in Concessional Lot Subdivisions" when:
 - (a) The Group Manager, Infrastructure Waste and Water agrees to inclusion of the additional section of road on Council's road maintenance schedule.
 - (b) Conditions are imposed in any consent in accordance with the Policy.

96/09 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, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Hughes and Britten

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

Cr Seckold tabled a copy of the Conveyancing Amendment (Law of Support) Act 2000.

RECOMMENDATION

1. Development application 2008.0136 for the regularisation of unauthorised clearing and construction of a driveway be approved subject to the terms and conditions outlined in the draft consent submitted to Council at its meeting of 3 March 2009.
2. The person that made the submissions be notified of Council's decision.

97/09 RESOLVED on the motion of Crs Campbell and Britten that Item 6 of the Planning & Environment Committee as reported be adopted.

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

AGAINST: Cr Seckold

ABSENT: Cr Hughes

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

Question 1 - Cr Britten – asked for an update on action taken in regard to a letter from Mr and Mrs Lyster, which has been circulated to all Councillors, about the need for removal of trees on Black Range Road

The Group Manager Infrastructure Waste and Water noted that the matter had been referred to Council's Tree Officer to inspect the trees on the road. He will be providing a report on which trees need to be removed.

Question No 2 - Cr Hede – asked a question regarding his concerns on the level of water in Brogo Dam and concerns regarding the aquifer level in the Bega River.

Group Manager Infrastructure Waste and Water replied that Brogo dam is currently at 22% capacity and that if the level drops to 20% capacity, all irrigations will be ceased. The Brogo dam is low in comparison with other water storage dams in the shire.

Irrigation from the Bega River has been restricted to some extent and would be ceased once the restriction level had been reached.

Cr Hede further asked what the anticipated timeframe for restrictions/ceasing of irrigation would be, if there was no further rainfall.

Group Manager Infrastructure Waste and Water replied that with no rain at all the level could drop below restriction level within a few weeks.

Question No 3 - Cr Campbell – asked for a report on the costs of annual domestic junk waste collection.

The question was taken on notice by the Group Manager Infrastructure Waste and Water.

Cr Campbell No 4 – Cr Campbell – asked if Council has a policy of on road kill removal.

Group Manager Infrastructure Waste and Water replied that there was no policy on road kill removal.

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 2.52 pm.

CONFIRMED

CHAIRPERSON

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