

# Ordinary Meeting Minutes

Held on Tuesday 14 April 2009  
at the Council Chambers, Bega commencing at 2.01 pm

**PRESENT** Councillor Allen (CHAIRPERSON) and Councillors Britten, Campbell, Hede, Hughes, 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

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98/09 RESOLVED on the Motion of Crs Britten and Campbell that the Minutes of the Ordinary Meeting of 24 March 2009, as circulated, be taken as read and confirmed.

## 2. Apologies

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99/09 RESOLVED on the Motion of Crs Britten and Sandrey that the apology received from Cr Pincini be accepted for his inability to attend the meeting.

### Mayoral Announcement

The Mayor announced that today's meeting would be the last attended by Group Manager Infrastructure Waste and Water, Mr Doug Mein who would be retiring on 1 May. He noted that Mr Mein was one of the Council's longest serving officers and that he had been involved in a large number of major infrastructure projects over many years. The Mayor thanked Mr Mein for his commitment and for everything he had done for the community and shire during his time in the Bega Valley. He noted that the Council will miss the local knowledge that Mr Mein has built up over the years and offered him all the best in his retirement.

Mr Mein responded and thanked the Mayor for his kind words. He noted the many changes he had seen and stated that the Council was one of the best he had worked with. He spoke on the steep learning curve for the new Council and congratulated them on their efforts to work well with staff, mentioning in particular the recent entry of a combined staff and Councillor team in the Bega Valley Relay for Life. He encouraged Councillors to continue to work with staff for the benefit of the community.

### 3. Declarations

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There were no declarations.

### 4. Deputations

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There were no deputations.

### 5. Petitions

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There were no petitions.

### 6. Mayoral Minutes

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#### 1. Greater Southern Area Health Service: Clinical Services Review

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100/09 RESOLVED on the motion of the Mayor that the briefing prepared for Councillors by the General Manager, on the status of clinical services in Bega and Pambula Hospitals, be made available to the public.

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

AGAINST: Nil

ABSENT: Cr Pincini

#### 7. Confidential Business: Adjournment into Closed Session

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101/09 RESOLVED on the motion of Crs Britten and Campbell:

1. That Council resolve to adjourn into Closed Session at the end of the ordinary meeting to discuss Item 5 of the Corporate Management Committee on the basis that the report concerns:
  - personnel 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 Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Pincini

## 8. Adjournment into Standing Committees

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102/09 RESOLVED on the motion of Crs Sandrey and Hughes 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 3.22 pm.

## 9. 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 24 March 2009, as circulated, were taken as read and confirmed.

103/09 RESOLVED on the motion of Crs Hughes and Sandrey that Item 1 of the Corporate Management Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Pincini

#### 2. Apologies

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##### RECOMMENDATION

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

104/09 RESOLVED on the motion of Crs Hughes and Sandrey that Item 2 of the Corporate Management Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Pincini

### **3. Australian Local Government Association 2009 National General Assembly: Council representation**

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#### **RECOMMENDATION**

1. That Council endorse Crs Allen and Britten and the General Manager to attend the ACLG 2009 National General Assembly at the National Convention Centre on 21 – 24 June 2009, with the necessary travel and accommodation costs to be defrayed by Council.
2. That Council determine if it wishes to submit any motions to the assembly on the key themes:
  - Infrastructure
  - Climate Change; and
  - Local Government Financing.
3. That Bega Valley Shire Council prepare a notice of motion to submit to the Australian Local Government Association 2009 National General Assembly that Councils be responsible for collecting fire service levies, including an administration fee, via a separate charge on rateable properties.

105/09 RESOLVED on the motion of Crs Hughes and Sandrey that Item 3 of the Corporate Management Committee as reported be adopted

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

AGAINST: Nil

ABSENT: Cr Pincini

### **4. Local Government and Shires Association Annual Conference: Council representation**

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## RECOMMENDATION

1. That Crs Allen, Britten, Seckold, Pincini and the General Manager be authorised to represent the Council at the Shires Association's Annual Conference in Sydney on 1-3 June 2009, and that the necessary expenses be defrayed by the Council in keeping with its policy.
2. That Bega Valley Shire Council submit a notice of motion supporting the introduction of a Container Deposit Scheme in NSW.

106/09 RESOLVED on the motion of Crs Hughes and Sandrey that Item 4 of the Corporate Management Committee as reported be adopted

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

AGAINST: Nil

ABSENT: Cr Pincini

## 5. Internal Audit Committee: Appointment of independent representatives

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### RECOMMENDATION

That Council note that the item was deferred to the Closed Session.

107/09 RESOLVED on the motion of Crs Hughes and Sandrey that Item 5 of the Corporate Management Committee as reported be adopted

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

AGAINST: Nil

ABSENT: Cr Pincini

## 6. Tathra Wharf Restaurant, Museum and Hall – review of management arrangements

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### RECOMMENDATION

1. That Council identify and cost mechanisms for the physical separation of the Tathra Wharf Restaurant and Museum and that the General Manager be authorised to execute the necessary works to effect the separation within the balance of committee funds held, after finalisation of items 2 and 3.
2. That Council advertise for Expressions of Interest from incorporated bodies to provide management of the upstairs portion of the Tathra Wharf building for the

purposes of conducting a maritime museum and that a further report to Council be prepared to consider these expressions of interest.

3. That Council agree in principle to the reconstitution of the existing Tathra Hall and Wharf Museum Management Committee but this action be deferred until a further report on the incorporation model is presented.

108/09 RESOLVED on the motion of Crs Hughes and Sandrey that Item 6 of the Corporate Management Committee as reported be adopted

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

AGAINST: Nil

ABSENT: Cr Pincini

## 7. Draft Financial Strategy

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### RECOMMENDATION

1. That the Draft Financial Strategy as attached be adopted in principle, as a draft, and accompanying actions be endorsed to guide preparation of other plans and strategies for consideration by Council.
2. That the Draft Financial Strategy be placed on exhibition for 28 days in conjunction with the 2009/10 Management Plan and a further workshop and report presented to Council.

109/09 RESOLVED on the motion of Crs Britten and Wykes that Item 7 of the Corporate Management Committee as reported be adopted

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

AGAINST: Cr Hughes

ABSENT: Cr Pincini

## 8. Finalisation special variation to general rates

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### RECOMMENDATION

That Council include a special variation to the general rates in the draft management plan and Council lodge an application to the Department of Local Government in the following terms:

1. An 8.76% increase to the general rate yield inclusive of the 3.5% rate pegged cap.

2. \$450,000 of that general rate variation, to be levied across all rate categories and quarantined for the purpose of improvements to sporting and recreational facilities and access to community facilities. Those funds to be applied through assignment to sporting and recreation groups in accord with the "Community Partnership Principles" and through Council's Access Committee.
3. \$350,000 of that general rate variation, to be levied across all rate categories (\$200,000) and business rate category (\$150,000) and be quarantined for the purpose of economic and tourism development. Those funds to be applied in accord with the draft position statement on tourism, noting Council's intent to enter a service agreement with Sapphire Coast Tourism, whereby the initial allocation to the board of \$230,000 in 2009/2010 be reduced to \$150,000 indexed within 5 years. The balance will progressively be added to further investment in economic development and related infrastructure.

110/09 RESOLVED on the motion of Crs Britten and Campbell that Item 8 of the Corporate Management Committee as reported be adopted

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

AGAINST: Hede and Hughes

ABSENT: Cr Pincini

## FINANCE AND INFRASTRUCTURE COMMITTEE

### 1. Confirmation of minutes

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#### RECOMMENDATION

That Council note that the Minutes of the Finance and Infrastructure meeting held on 24 March 2009, as circulated, were taken as read and confirmed.

111/09 RESOLVED on the motion of Crs Britten and Sandrey that Item 1 of the Finance & Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Pincini

### 2. Apologies

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## RECOMMENDATION

That Council note that the apology from Cr Pincini was accepted.

112/09 RESOLVED on the motion of Crs Britten and Sandrey that Item 2 of the Finance & Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Pincini

### 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 March 2009 be received and noted.

113/09 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, Hughes Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Pincini

### 4. Acquisition of land at North Bermagui from NSW Forests

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## RECOMMENDATION

1. That Council authorise an application being made to the Minister for Local Government and/or the Governor for approval to acquire for road purposes Lot 1 DP1109470, excluding the area hatched on the plan presented to Council on 22 May 2007 and Lot 2 DP1109470, including mines and minerals.
2. That Council no longer proceed with acquisition of Lots 3 and 4 in DP1109470.
3. That a further report be presented to Council once valuations have been received.

114/09 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, Hughes Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Pincini

## 5. Fluoridation of Drinking Water Supplies

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### RECOMMENDATION

1. That council staff, in consultation with NSW Health, design a community consultation program for Council consideration, noting financial contributions from NSW Health are expected.
2. That subject to its adoption by Council, the community consultation program be implemented prior to any decision to introduce fluoridation.

115/09 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, Hughes Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Pincini

## 6. Developer Service Charges for Water and Sewer

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### RECOMMENDATION

That the following clause in Procedure 2.3.1(l): Developer service charges for water and sewer where allotments are vacant and part of an existing assessment

*A partial exemption will be granted in the case of vacant assessments, where no contribution has been paid and where unconnected charges for the service have been continuously paid since before January 2003. Council will deduct from such cases, the sum of unconnected charges paid prior to 2003 to a maximum of 50% of the current DSC.*

be replaced by:

*A partial exemption will be granted in the case of vacant assessments, where no contribution has been paid and where unconnected charges for the service have been continuously paid. Council will deduct from such cases, the sum of unconnected water and sewer charges paid to a maximum of 50% of the current DSC.*

*All administrative costs incurred by Council to calculate paid unconnected charges will be passed on to the Developer at the rate nominated in the yearly Fees and charges, where the financial data is more than six years old.*

116/09 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, Hughes Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Pincini

## **7. Bega Indoor Sports Stadium lease**

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### **RECOMMENDATION**

That Council note that the item was deferred to enable further discussions with the parties concerned to allow an amended report to Council.

117/09 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, Hughes Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Pincini

## **8. Federal Government Regional and Local Community Infrastructure Program Funding**

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### **RECOMMENDATION**

1. That Council note and endorse the action by staff to accept the funding offer of \$1,043,000.00 from the Regional and Local Community Infrastructure Program and to commence the projects.
2. That a report be presented to each Council meeting on the progress of the projects, until such time as the projects have been completed.
3. That relevant Council staff and community members be congratulated for their diligence in working towards achieving these projects.

118/09 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, Hughes Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Pincini

## 9. Sale of Crown Land – Bega Central Business District

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### RECOMMENDATION

1. That Council, in its capacity as reserve trust manager of Zingel Place (R 97856) Reserve Trust and for the purposes of s102 of the Crown Lands Act 1989, considers it is desirable to sell the land referred to in the draft Contract for Sale between the Council and Fabcot Pty Limited as the “Littleton Gardens Lot” on the terms and conditions contained in that Contract.
2. That Council, in its capacity as reserve trust manager of Bega Town Hall (R 83988) Reserve Trust, and for the purposes of s102 of the Crown Lands Act 1989, considers it is desirable to sell the land referred to in the draft Contract for Sale between the Council and Fabcot Pty Limited as the “Supper Rooms Lot” on the terms and conditions contained in that Contract.
3. That the General Manager, on behalf of the Council as the manager of the reserve trusts, cause notices to be published in accordance with s102 of the Crown Lands Act 1989 in relation to the sale of such land.
4. That the General Manager, on behalf of the Council as the manager of the reserve trusts, apply in writing to the Minister Administering the Crown Lands Act 1989 in accordance with s102 of the Crown Lands Act 1989 for the Minister’s consent to the sale of such land

119/09 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, Hughes Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Pincini

### 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 24 March 2009, as circulated, were taken as read and confirmed.

120/09 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, Hughes Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Pincini

## 2. Apologies

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### RECOMMENDATION

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

121/09 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, Hughes Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Pincini

## 3. DA No. 2009.0090: Inground swimming pool – Lot 101 DP1010784, Bald Hills Road, Pambula

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### RECOMMENDATION

That Development Application 2009.0090 for a swimming pool be approved subject to the terms and conditions as detailed in the draft Development Consent submitted to Council at its meeting of 14 April 2009.

122/09 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, Hughes, Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Pincini

## 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 Hughes** asked whether Council had considered how to address identified issues associated with high faced gutters causing stormwater damage in buildings?

The Group Manager Planning & Environment provided the following response:-

It is possible, depending on the method of manufacturing, that some high faced gutters could cause problems in times of heavy rainfall. Such systems should be able to provide a side overflow that acts similar to a box gutter, providing an emergency overflow when the downpipes block or the gutter itself exceeds capacity.

Health and Building staff will condition applications where high sided gutter systems are proposed, requiring applicants to demonstrate to Council's satisfaction that the proposed system has allowed for high flow stormwater relief in compliance with the Building Code of Australia.

## 13. Questions without notice

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There were no questions without notice.

## 14. Adoption of reports from Closed Session

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### 1. Internal Audit Committee: Appointment of independent representatives

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## RECOMMENDATION

That Mr Sydney Donaldson and Mr Geoff Steel be appointed as independent representatives to the Internal Audit Committee.

123/09 RESOLVED on the motion of Crs Wykes and Sandrey that Item 1 of the Closed Session be adopted.

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

AGAINST: Nil

ABSENT: Cr Pincini

## 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 3.29 pm.

CONFIRMED .....

CHAIRPERSON

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