

# Ordinary Meeting Minutes

Held on Tuesday 5 May 2009

at the Council Chambers, Bega commencing at 1.59 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 Jim Collins Acting Group Manager Infrastructure Waste & Water, Ms Janelle Curtis – Minute Secretary

## 1. Confirmation of minutes

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130/09 RESOLVED on the Motion of Crs Britten and Campbell that the Minutes of the Extraordinary Meeting of 28 April 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 pecuniary interest regarding Item 4 - Planning and Environment: DA No. 2009.0067: Boundary adjustment – Lakewood Drive, Merimbula on the basis that he is the property owner. A signed declaration form was tabled by Cr Britten for inclusion in the Register.

Cr Wykes declared a pecuniary interest regarding Item 3 - Planning and Environment: DA No. 2008.0340: Commercial redevelopment of the Central Hotel, 90-94 Gipps Street, Bega, Merimbula on the basis that he is an adjoining business owner to the property concerned. A signed declaration form was tabled by Cr Wykes for inclusion in the Register.

Cr Wykes declared a pecuniary interest regarding Item 5 - Planning and Environment DA No. 2009.0125: Additions to existing dwelling – Lot 15 DP24452, Monaro Street, Merimbula on the basis that he is the owner of the property concerned. A signed declaration form was tabled by Cr Wykes for inclusion in the Register.

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

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

131/08 RESOLVED on the motion of Crs Pincini and Seckold that Standing Orders be suspended to allow Mr Graeme Blomfield and Mr Ken Gordon, on behalf of Hoylands Construction Pty Ltd and Greater Property Purchasers Pty Ltd, to address the Council regarding Planning & Environment Committee Report No. 3 -. DA No. 08.0340: Commercial Redevelopment of the Central Hotel, 90-94 Gipps Street, Bega and Ms Robyn Bowden to address the Council regarding Planning & Environment Committee Report No 7 DA No. 2008.0416: Multi unit housing development – Beach Street, Tathra

##### **DEPUTATIONS**

Mr Paul Blacka, on behalf of the Bega Property Group Pty Ltd, addressed the Council regarding Planning & Environment Committee Report No. 3 -. DA No. 08.0340: Commercial Redevelopment of the Central Hotel, 90-94 Gipps Street, Bega, and responded to questions from Councillors.

The Mayor thanked Mr Blacka for his address.

Mr Warren Page addressed the Council regarding Planning & Environment Committee Report No. 3 -. DA No. 08.0340: Commercial Redevelopment of the Central Hotel, 90-94 Gipps Street, Bega, and responded to questions from Councillors.

The Mayor thanked Mr Page for his address.

Mr Graeme Blomfield addressed the Council regarding Planning & Environment Committee Report No. 3 -. DA No. 08.0340: Commercial Redevelopment of the Central Hotel, 90-94 Gipps Street, Bega, and responded to questions from Councillors.

The Mayor thanked Mr Blomfield for his address.

Mr Ken Gordon, on behalf of Hoylands Construction Pty Ltd and Greater Property Purchasers Pty Ltd addressed the Council regarding Planning & Environment Committee Report No 3 -. DA No. 08.0340: Commercial Redevelopment of the Central Hotel, 90-94 Gipps Street, Bega, and responded to questions from Councillors.

The Mayor thanked Mr Gordon for his address.

Ms Robyn Bowden addressed the Council regarding Planning & Environment Committee Report No 7 DA No. 2008.0416: Multi unit housing development – Beach Street, Tathra, and responded to questions from Councillors.

The Mayor thanked Ms Bowden for her address.

## RESUMPTION OF STANDING ORDERS

### 5. Petitions

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Cr Hede tabled a letter from a Mrs Katherine O'Reilley regarding her concerns about the Pambula Hospital and requested that a copy be distributed to all Councillors.

### 6. Mayoral Minutes

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There were no Mayoral Minutes.

### 7. Adjournment into Standing Committees

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132/09 RESOLVED on the motion of Crs Pincini and Seckold that the Ordinary Meeting of the Council be adjourned for the purpose of dealing with staff reports to Standing Committees.

2.35 pm The Ordinary meeting adjourned and formed in the committee, reconvening at 3.30 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 14 April 2009, as circulated, were taken as read and confirmed.

133/09 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

ABSENT: Nil

#### 2. Apologies

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There were no apologies.

### 3. Road closure – section of Burragate Road

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#### RECOMMENDATION

That Council authorise the General Manager to execute the necessary documents to effect the closure of the unformed section of Burragate Road fronting Lot 1 in DP 859766 and subsequent transfer of the land to Ms J Lange.

134/09 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

ABSENT: Nil

### 4. Southern Councils Group minutes of meeting 20 March 2009

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#### RECOMMENDATION

That Council note the resolutions of the Southern Councils Group meeting and held on 20 March 2009.

135/09 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

ABSENT: Nil

#### 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 14 April 2009, as circulated, were taken as read and confirmed.

136/09 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, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Nil

## 2. Apologies

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There were no apologies

## 3. Financial Statement (Budget Review) for 31 March 2009

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### RECOMMENDATION

That the budget review for 31 March 2009 as submitted on 5 May 2009 be adopted and the votes adjusted by those amounts in the variation column.

137/09 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, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Nil

## 4. Goods and Services Tax Certificate

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### RECOMMENDATION

1. That Council express its opinion that to assist compliance with section 114 of the Commonwealth Constitution, it is confirmed that:
  - (i) Voluntary GST has been paid by Bega Valley Shire Council for the period 1 May 2008 to 30 April 2009; and
  - (ii) Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed; and
  - (iii) No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.
2. That Council authorise the Mayor, Deputy Mayor, General Manager and the Responsible Accounting Officer to execute the goods and services tax certificate to confirm compliance with section 114 of the Commonwealth Constitution.

138/09 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, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Nil

## 5. Federal Government Regional and Local Community Infrastructure Program Funding

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### RECOMMENDATION

That Council note:

1. The status report on the Regional Local Community Infrastructure Program projects, and
2. The proposed submission for grant applications under the Jobs Fund be noted:
  - **Local Jobs** – Bermagui Surf Lifesaving Club; paths as per those nominated through the RLCIP process
  - **Get Communities Working** – Bega Civic/Cultural Centre
  - **Infrastructure Employment Projects** – Bega Youth Space.

139/09

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, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Nil

## 6. State Emergency Services positions in Bega Valley Shire

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### RECOMMENDATION

That Council accept the recommendation from the State Emergency Services Regional Controller for appointment of the following:

- John Lacey as Local Controller for the Shire
- Leslie McGrane as unit controller for the Bega SES unit.
- David Masterson as unit controller for the Bermagui SES unit.

140/09

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, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Nil

## 7. Acquisition of Land for road widening of approaches to the Deep Creek Bridge on Mt Darragh Road

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### RECOMMENDATION

That the acquisition of a total of 2,234 square metres of land within Lots 384 and 385 DP1062442 for bridge purposes be approved with compensation of \$6,000 paid to the landowners and that authority be given to the Mayor and General Manager to sign the required documents.

141/09 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, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Nil

## 8. Bega Indoor Sports Stadium licence

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### RECOMMENDATION

1. That Council offer a licence for the Bega Indoor Sports Stadium for a term of three years in favour of "Fling" with rent for the first year being \$3,000 and \$5,000 for the remaining two years of the licence.
2. That the Mayor and General Manager execute the relevant documents.

142/09 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, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: 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 14 April 2009, as circulated, were taken as read and confirmed.

143/09 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, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Nil

### 2. Apologies

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There were no apologies.

### 3. DA No. 2008.0340: Commercial redevelopment of the Central Hotel, 90-94 Gipps Street, Bega

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#### Pecuniary Interest

Cr Wykes declared a pecuniary interest on the basis that he is the owner of a business located adjacent to the property concerned and departed the meeting room, taking no part in debate or voting on this item.

#### RECOMMENDATION

That Council note that following an address to Council, this item was deferred in keeping with Council's Code of Meeting Practice.

144/09 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, Pincini, Sandrey and Seckold.

AGAINST: Nil

ABSENT: Cr Wykes

Cr Wykes returned to the meeting room.

#### 4. DA No. 2009.0067: Boundary adjustment – Lakewood Drive, Merimbula

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##### **Pecuniary Interest**

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

##### **RECOMMENDATION**

1. That Development Application 2009.0067 for a boundary adjustment between Lot 1881 DP 1014185 and Lot 100 DP 1070254, Lakewood Drive, Merimbula be approved subject to conditions outlined in the draft consent provided as Attachment C to this report.
2. That the NSW Rural Fire Service be notified of Council's decision.

145/09 RESOLVED on the motion of Crs Campbell and Sandrey that Item 4 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.

#### 5. DA No. 20090125: Additions to existing dwelling – Lot 15 DP24452, Monaro Street, Merimbula

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##### **Pecuniary Interest**

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

##### **RECOMMENDATION**

That Development Application 2009.0125 for alterations to an existing dwelling be approved subject to the terms and conditions as detailed in the draft Development Consent submitted to Council at its meeting of 5 May 2009.

146/09 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 and Seckold.

AGAINST: Nil

ABSENT: Cr Wykes

Cr Wykes returned to the meeting room.

## 6. DA No. 2006.0508: Modification application regarding Bermagui Surf Life Saving Club

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### RECOMMENDATION

1. That the Section 96 application to modify Development Consent 2006.0508 for the construction of a Community Facility – Surf Life Saving Club and radio control room on Reserve No 83225, Dickinson Park, off Lamont Street Bermagui be determined in the following manner.
  - a) Condition 11 be amended to read:

A minimum of 14 off street car parking spaces shall be provided in accordance with Council's Development Control Plan No 7: Parking.

Four spaces be provided before release of the occupation certificate, a further five spaces within three years from occupancy certificate and the balance within five years from the occupancy certificate.
  - b) Deletion of conditions 10, 13, 25, 49 and 50 be refused for the following reasons:
    - i) Deletion of Condition 13 in relation to provision of traffic calming devices within Public Reserve No 83225 would not be in the interest of public safety. The condition is considered appropriate in mitigating any adverse impacts associated with the range of pedestrian and vehicular uses within the Reserve.
    - ii) Deletion of Condition 10 and 25 would not be in the public interest as those conditions provides for the functional and efficient use of public reserve land and is a requirement of Council's adopted Development Control Plan 7 (Car Parking) and the Bermagui Foreshore Reserves Plan of Management
    - iii) Deletion of Conditions 49 and 50 in relation to standard engineering works and practices would be contrary to the provisions of the Bega Valley Council Technical Specification.

147/09

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, Hughes, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Nil

## **7. DA No. 2008.0416: Multi unit housing development – Beach Street, Tathra**

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### **RECOMMENDATION**

That Council note that following an address to Council, this item was deferred in keeping with Council's Code of Meeting Practice.

148/09 RESOLVED on the motion of Crs Campbell and Britten that Item 7 of the Planning & Environment Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Nil

## **8. DA No. 2009.0089: Pambula pool complex upgrade**

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### **RECOMMENDATION**

That the report be deferred, as requested by the applicant, to enable further discussion between the applicant and staff regarding staging conditions.

149/09 RESOLVED on the motion of Crs Campbell and Britten 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

ABSENT: Nil

## **9. Review of Companion Animal Management Policy & Guideline**

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### **RECOMMENDATION**

That a draft proposal for a companion animal leash free area at the southern end of Beares Beach Bermagui, together with minor changes at Main Beach Merimbula and Short Point Reserve leash free areas, be advertised in the local media and on

Council's website and that, at the close of the exhibition period, the matter be reported back to Council for determination.

150/09 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, Hughes, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Nil

## 10. Southern Councils Group – Climate Change Statement of Intent

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### RECOMMENDATION

1. That Council endorses the Southern Councils Group's Statement of Intent – Regional Response to Climate Change.
2. That Council write to the Southern Councils Group Board to inform it of Council's endorsement.

151/09 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, Hughes, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: 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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There were no questions on notice.

### 13. Questions without notice

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**Question 1: Cr Campbell** – Do the provisions of the State Environmental Planning Policy (Infrastructure) 2007 (SEPP) apply to the proposals for:

- a) Tathra Wharf Ring Road and
- b) Evans Park, Kalaru

So that development consent is not required and Council or community groups can proceed under the SEPP to construct and complete such projects. If so will Council as landowner or trustee of the land agree to allow community groups associated with the projects to proceed to apply for grants?

The question was taken on notice by the Group Manager Planning and Environment.

**Question 2: Cr Wykes** – Asked who is responsible for the cost of damage caused by a golf ball hitting the windscreen of a resident's vehicle whilst he was driving it on a Council maintained road adjacent to the golf course.

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

### 14. 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 3.34 pm.

CONFIRMED .....

CHAIRPERSON

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