

Ordinary Meeting Minutes

Held on Tuesday 28 July 2009

at the Council Chambers, Bega commencing at 2.08 pm

PRESENT	Councillor Allen (CHAIRPERSON) and Councillors 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 Wayne Sartori - Group Manager Infrastructure Waste and Water, Ms Tracy Hicks - Executive Manager Organisational Support and Ms Michelle Preo - Minute Secretary

1. Confirmation of Minutes

231/09 RESOLVED on the motion of Crs Campbell and Pincini

That the Minutes of the Ordinary Meeting of 7 July 2009, as circulated, be taken as read and confirmed.

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

AGAINST: Nil

ABSENT: Cr Britten

2. Apologies

232/09 RESOLVED on the motion of Crs Sandrey and Campbell

That the apology received from Cr Britten be accepted for his inability to attend the meeting.

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

AGAINST: Nil

ABSENT: Cr Britten

3. Declarations

There were no declarations.

4. Deputations (by prior arrangement)

There were no addresses to Council.

5. Petitions

There were no petitions tabled.

6. Mayoral Minutes

There were no Mayoral Minutes.

7. Adjournment into Standing Committees

- 233/09 RESOLVED on the motion of Crs Seckold and Campbell that the Ordinary Meeting of the Council be adjourned for the purpose of dealing with staff reports to Standing Committees.
- 2.10 pm The Ordinary meeting adjourned and formed in the committee, reconvening at 3.20 pm.

8. Adoption of reports from Standing Committees

CORPORATE MANAGEMENT COMMITTEE

1. Confirmation of Minutes

RECOMMENDATION

That the Minutes of the Corporate Management Committee meeting held on 7 July 2009, as circulated, be taken as read and confirmed.

- 234/09 RESOLVED on the motion of Crs Hughes and Seckold that Item 1 of the Corporate Management Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Britten

2. Apologies

RECOMMENDATION

That the apology received from Cr Britten be accepted for his inability to attend the meeting.

235/09 RESOLVED on the motion of Crs Hughes and Seckold that Item 2 of the Corporate Management Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Britten

3. Littleton City Council Staff Exchange

RECOMMENDATION

That Council endorse the proposal to send two employee delegates for the inaugural Littleton staff exchange at an estimated cost of \$6,000.

236/09 RESOLVED on the motion of Crs Hughes and Seckold that Item 3 of the Corporate Management Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Britten

4. Delegates and Representatives: Appointment to SERAS

RECOMMENDATION

1. That Council accept the resignation of Cr Pincini as the Council delegate to the South East Regional Academy of Sport (SERAS) Committee for the remainder of the period to September 2009.
2. That Council appoint Cr Seckold as the Council delegate to the SERAS Committee for the remainder of the period to September 2009.

3. That SERAS be advised of Cr Seckold's appointment as the Council delegate to their Committee and that they be requested to forward notice of meetings and the like directly to the Cr Seckold.

237/09 RESOLVED on the motion of Crs Hughes and Seckold that Item 4 of the Corporate Management Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Britten

5. Wind Power Concept Study Report referred from Southern Councils Group

RECOMMENDATION

1. That Council receive and note the Wind Power Concept Study (WPCS) Report prepared for SCG and endorse it for public release by SCG with the Commercial-in-Confidence wind mapping excluded.
2. That Council support the progression of the WPCS Report to the State Government and other appropriate sources seeking financial support for a pre-feasibility study.
3. That Council continue to support sustainable energy initiatives in the Shire and the SCG region.

238/09 RESOLVED on the motion of Crs Hughes and Seckold that Item 5 of the Corporate Management Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Britten

6. National General Assembly of Local Government: Council attendance

RECOMMENDATION

That the report presented to Council on 28 July 2009 on the Australian Local Government Association General Assembly be noted.

239/09 RESOLVED on the motion of Crs Hughes and Seckold that Item 6 of the Corporate Management Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Britten

7. Southern Councils Group Meeting Minutes of 3 July 2009

RECOMMENDATION

1. That Council endorse the minutes of the Southern Councils Group meeting held on 3 July 2009.
2. That Council authorise the Mayor to attend Southern Councils Group delegations in relation to the Princes Highway.

240/09 RESOLVED on the motion of Crs Hughes and Seckold that Item 7 of the Corporate Management Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Britten

8. Workforce Strategy 2009 to 2014

RECOMMENDATION

1. That Council adopt the workforce strategy and endorse the employment initiatives contained in the document.
2. That Council note that strategy will involve the review of existing employment related policies and procedures.

241/09 RESOLVED on the motion of Crs Hughes and Seckold that Item 8 of the Corporate Management Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Britten

COMMUNITY, CULTURAL & ECONOMIC DEVELOPMENT COMMITTEE

1. Confirmation of Minutes

RECOMMENDATION

That the Minutes of the Community, Cultural and Economic Development Committee meeting held on 16 June 2009, as circulated, be taken as read and confirmed.

242/09 RESOLVED on the motion of Crs Pincini and Campbell that Item 1 of the Community, Cultural & Economic Development Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Britten

2. Apologies

RECOMMENDATION

That the apology received from Cr Britten be accepted for his inability to attend the meeting.

243/09 RESOLVED on the motion of Crs Pincini and Campbell that Item 2 of the Community, Cultural & Economic Development Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Britten

3. Future Direction for Narira Committee

RECOMMENDATION

1. That Council staff consult with the existing Narira Committee to develop the Expression of Interest.
2. That Council call for expressions of interest from local Accredited Community Housing providers to lease and manage the Narira Village facility and be reported to Council for determination.

244/09 RESOLVED on the motion of Crs Pincini and Campbell that Item 3 of the Community, Cultural & Economic Development Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Britten

FINANCE & INFRASTRUCTURE COMMITTEE

1. Confirmation of Minutes

RECOMMENDATION

That the Minutes of the Finance and Infrastructure Committee meeting held on 7 July 2009, as circulated, be taken as read and confirmed.

245/09 RESOLVED on the motion of Crs Pincini and Seckold that Item 1 of the Finance & Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Britten

2. Apologies

RECOMMENDATION

That the apology received from Cr Britten be accepted for his inability to attend the meeting.

246/09 RESOLVED on the motion of Crs Pincini and Seckold that Item 2 of the Finance & Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Britten

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

RECOMMENDATION

That the Certificate of Investment made under Section 625 of the Local Government Act, 1993 as at 30 June 2009 be received and noted.

247/09 RESOLVED on the motion of Crs Pincini and Seckold that Item 3 of the Finance & Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Britten

4. Bega Eco Neighbourhood Developers (BEND) Inc. – Application to close a portion of public road

RECOMMENDATION

That Council authorise the General Manager to execute the necessary documents to affect the closure of a portion of Lagoon Street, Bega as requested.

248/09 RESOLVED on the motion of Crs Pincini and Seckold that Item 4 of the Finance & Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Britten

5. Lamont Street, Bermagui – adjust *Bus Zone* and *1-Hour Parking*

RECOMMENDATION

1. That 21.0 metres of *Bus Zone* be established on the south side of Lamont Street, Bermagui, extending from 36.0 metres west of Wallaga Street to 57.0 metres west of Wallaga Street (motel driveway), and that the operational hours be 7.00am to 5.00pm Monday to Friday.
2. That 29.5 metres of *1-Hour Parking* be established on the south side of Lamont Street, Bermagui, extending from 6.5 metres west of Wallaga Street to 36.0 metres west of Wallaga Street, and that the operational hours be 8.30am to

4.30pm Monday to Friday and 8.30am to 12.30pm Saturday as per existing adjacent parking.

249/09 RESOLVED on the motion of Crs Pincini and Seckold that Item 5 of the Finance & Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Britten

6. Rent rebate for community benefit

RECOMMENDATION

That Council rebate the annual rent paid by the Merimbula Imlay Historical Society and that the rebate become an automated process upon receipt of the annual rental payment.

250/09 RESOLVED on the motion of Crs Pincini and Seckold that Item 6 of the Finance & Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Britten

7. Schedule of Fees Amendment 2009/2010

RECOMMENDATION

That Council resolve to publicly exhibit the amendments contained in this report and Schedule 4 to the adopted 2009/10 Schedule of Fees. At the conclusion of the 28 day exhibition period if no comments are received these amendments are approved. If comments are received the amendments are further considered by Council.

251/09 RESOLVED on the motion of Crs Pincini and Seckold that Item 7 of the Finance & Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Britten

8. McCarthy House

RECOMMENDATION

1. Council award the work of demolition of McCarthy House and excavation of the site to the levels prescribed in the plan for the carpark, to Shoalhaven Excavations for an amount of \$47,983.38, as articulated in their tender.
2. It is recommended that no tender be awarded to construct the carpark until Council has identified funding options for the completion of carpark construction.

252/09 RESOLVED on the motion of Crs Pincini and Seckold that Item 8 of the Finance & Infrastructure Committee as reported be adopted.

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

AGAINST: Cr Hughes

ABSENT: Cr Britten

9. Merimbula Options Investigation for Recycled Water Use and Effluent Disposal

RECOMMENDATION

1. That the Lump Sum tender received from AECOM Pty Ltd (Contract No. 06/09) for the Merimbula Options Investigation for recycled Water Use and Effluent Disposal for \$174,240 be accepted.
2. That all tenderers be advised of Council's decision.

253/09 RESOLVED on the motion of Crs Pincini and Seckold that Item 9 of the Finance & Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Britten

10. Federal Government Regional and Local Community Infrastructure Program Funding

RECOMMENDATION

1. That Council note the status report on the Regional Local Community Infrastructure Program projects.
2. That Council endorse arrangements to support community groups to undertake traffic control and accreditation training on a 2:1 cost share basis.

254/09 RESOLVED on the motion of Crs Pincini and Seckold that Item 10 of the Finance & Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Britten

9. Rescission/alteration motions

There were no rescission/alteration motions.

10. Notices of Motion

Notice of Motion of No 1 - Cr Campbell

255/09 RESOLVED on the motion of Crs Campbell and Wykes

That Council examine the possibility of Council providing a number of scholarships for young people living in the Shire to be shared between students wishing to attend the Bega Campus of the University of Wollongong and Bega or Eden TAFE.

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

AGAINST: Nil

ABSENT: Cr Britten

Notice of Motion No. 2 – Cr Graeme Wykes

256/09 RESOLVED on the motion of Crs Wykes and Pincini

1. That Council facilitate a meeting between the Hon. John Della Bosca, BA MLC, Minister for Health, and a delegation from the Save Pambula Hospital Action Group (SPHAG) for the purpose of SPHAG presenting its case in support of full restoration of all services previously provided through Pambula District Hospital.
2. That the delegation comprise of two SPHAG spokesperson, one local General Practitioner nominated by SPHAG and a Councillor or their delegate.

3. That the meeting be held in the Minister's office and scheduled during August 2009.

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

AGAINST: Cr Seckold

ABSENT: Cr Britten

11. Urgent business (not elsewhere included)

There were no items of urgent business.

12. Questions on notice

Cr Hughes asked the Mayor a question without notice at the meeting held on 16 June 2009 regarding whether the questions that were provided through him to Forests NSW at the recent tour of forestry operations in the Eden region could be placed on public record and if the responses to those questions from Forests NSW could also be placed on public record?

Forests NSW have provided responses to those questions as follows:-

Although the questions below have general geographic context, where possible, the provided answers are centred on Forests NSW's (FNSW) Southern Region which includes the Bega Valley Shire Council area.

Q. The Auditor General's report released last month states that FNSW made a loss on its native forest operations in 2007 of \$14.4 million (this figure was actually supplied by FNSW to the Auditor). What proportion of this was lost on woodchipping operations?

A. There are no industrial scale woodchipping operations in FNSW State Forest field operations in NSW. However, around the State, FNSW does sell industrial scale quantities of pulp logs. From native forests, a large proportion of this quantity is converted to woodchips for export. Although its accounts are not structured to enable forensic analysis of particular operations, or products from specific operations, FNSW is confident that the traditional pulp log market centred on the Eden woodchip export facility attracts the highest prices in NSW and these sales are quite profitable for FNSW.

Q. Why is Forests NSW unwilling to release details of royalty prices for logs when it is a monopoly seller and – in the case of chip logs – selling to a monopoly buyer? What is the relevance of "commercial-in-confidence" provisions in these circumstances? Why have conservationists had to take FNSW to court to find out the price it puts on this publicly owned

resource? Is it true that in real terms, woodchip (ie; pulplog) royalties now are less than half what they were 15 years ago?

- A. FNSW has been reluctant to release details of prices for a number of reasons but principally:-
- The release may be in breach of confidentiality provisions set out in wood supply agreements with its customers. All customers have consistently maintained that the prices they pay for timber is commercial in confidence material; However, in September 2007 the Minister for Primary Industries released detail of Eden pulpwood prices and a copy of that release is attached;
 - In some instances such as is the case with the supply of Eden pulpwood, FNSW is not a monopoly seller; FNSW competes chiefly with VicForests for the buyer's business.
- Q. What is the rotation time for logging (ie; how many years between logging cycles) now? And what was it 40 years ago when woodchipping first started?
- A. The assumed rotation age of the Eden forest operations is still 60-100 years as originally forecast in the 1960's when the Eden marketing timber negotiations and forest silvicultural systems were first formulated and documented. The forty year variance is a reflection of varying forest growth rates across the geography of the Eden State Forest area. At that time, it was assumed first thinnings of the resulting regrowth would commence at an average of 40 years with subsequent thinnings every 15-25 years until rotation age was reached. Presently, due to a recent loss of State Forest area within the Eden Regional Forest Agreement outcomes, the first thinning age has shortened to approximately 35 years. Presently, the subsequent thinning timings and rotation age is assumed to be unchanged from the 1960's model but this may change as better field information becomes available or timber market conditions change.
- Q. Forests NSW does wildlife surveys before logging is carried out. How many staff hours of pre logging survey work are done before a typical compartment is logged? Does FNSW ever do surveys after logging to find out whether wildlife prescriptions actually work?
- A. FNSW's native forests available for timber harvesting are subject to the requirements of the Threatened Species Licenses (TSL) held by FNSW. The licence requires a suite of flora and fauna surveys by professional staff prior to harvesting. In summary, every 200 hectare area to be harvested requires approximately seven person days of effort, ranging from database interrogation to nocturnal and diurnal field surveys for flora and fauna, and for the reporting of findings. Additional survey effort is required if key threatened species have historically been recorded in the vicinity, or are encountered during

the preharvest surveys. Such follow up field surveys may require an additional 10 person days. In addition, from time to time FNSW contributes to other surveys, coordinated with other organizations targeting high profile animal species.

There are no post survey monitoring requirements required by the TSL in Eden. However, FNSW currently implements three monitoring programs which aim to assess the effectiveness of management actions at a landscape scale for key threatened species. These are for the endangered Southern Brown Bandicoot, Smoky Mouse, and Giant Burrowing Frog. Several additional threatened flora and fauna monitoring programs of limited nature, assessing the effectiveness of management prescriptions, also occur within the region.

Important research programs in the Eden area, dating from the 1970's and which measure the effect of various disturbance regimes, have been established and managed by FNSW but not necessarily directly by Southern Region. The published scientific literature reports the results of these programs.

Q. How does FNSW see the future of the native forest industry? Do they expect biomass burning to generate energy to have an increasing role?

A. Forests NSW sees a very bright future for the native forest industry. The NSW native forest resource is increasingly becoming more valuable, particularly for the sawlogs being grown in the Eden area.

The international market for industrial roundwood continues to climb into deficit, particular in the Pacific/Asia region. Australia's domestic market for timber products shows a trade deficit of \$2 billion per annum and this deficit is still expanding. Australian plantation establishment will not satisfy these deficits. Although large hardwood plantings in recent decades have increased Australia's plantation area, it is estimated that about 90% will be clearfelled at an early age and exported as woodchips.

The Australian pine plantation resource, currently the principal supplier of sawlogs, is increasing in volume but at a slow rate insufficient to meet the increasing demand.

Over the past 35 years the controversial logging of the multi aged forests in the Eden area is now drawing to a close. In doing so it has created approximately 100,000 hectares of regrowth forest which will soon yield a new and higher quality timber resource, starting with low volumes in 2013 and more than doubling over the following 20 years. Because all roading and other infrastructure required to access this resource is basically complete, forest operations will also become more profitable. This growth, and its sustainable long term future, is expected to be of great benefit to the people of the Bega Valley Shire.

Low grade residual wood markets, such as for pulp wood, will continue to

underpin the economics of logging for high quality sawlog timber in both native and planted forests on all land tenures in NSW. As other low grade markets develop, such as for biomass, FNSW will continue to explore opportunities which enhance its forests' capacity to supply sawlogs.

Cr Britten asked if asbestos removal from the former Pambula Beach Surf Life Saving Clubhouse is to be completed and the area tidied up?

The question was taken on notice by the Group Manager Infrastructure Waste and Water who has provided the following response:-

The building demolition was a condition of consent for the DA for the recently completed new club house.

As with most of this project, the demolition was arranged by the Surf Club using volunteers. Disposal of asbestos sheeting roofing material was in accord with all requirements and procedures.

The restoration of the site is currently underway with the Club again relying on volunteer assistance.

Works planned include earthworks levelling, the installation of vehicle bollards and the provision of a walkway between the carpark and the beach.

The club has indicated their intention to have the works completed prior to the coming summer.

13. Questions without notice

Cr Pincini asked a question regarding the public toilets at Fishpen which have been closed for some time due to vandalism and whether they would be reopened to the public.

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

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 3.36 pm.

CONFIRMED

CHAIRPERSON

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