

# Ordinary Meeting Minutes

Held on Tuesday 20 October 2009  
at the Council Chambers, Bega commencing at 2.01 pm

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

**IN ATTENDANCE** Mr Peter Tegart - General Manager, Mr Jeff Tipping – Acting Group Manager Planning and Environment, Mr Wayne Sartori - Group Manager Infrastructure Waste and Water, Ms Tracy Hicks - Executive Manager Organisational Support and Ms Janelle Curtis - Minute Secretary

## 1. Confirmation of Minutes

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357/09 RESOLVED on the motion of Crs Britten and Campbell

That the Minutes of the Ordinary Meeting of 29 September 2009, as circulated, be taken as read and confirmed.

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

AGAINST: Nil

ABSENT: Cr Seckold

## 2. Apologies

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358/09 RESOLVED on the motion of Crs Pincini and Britten

That the apology received from Cr Seckold be accepted for her inability to attend the meeting.

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

AGAINST: Nil

ABSENT: Cr Seckold

## 3. Declarations

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### Pecuniary and Conflict of Interest

Cr Britten declared a pecuniary interest regarding Planning and Environment Committee Item 5: Modification to DA No. 1986.1049: Residential subdivision – Old

Wallagoot Road, Kalaru, on the basis that he is one of the owners of the subject land. A signed declaration form was tabled by Cr Britten for inclusion in the Register.

Cr Pincini declared a pecuniary interest regarding Planning and Environment Committee Item 4: DA No. 2009.0165: Erection of a shed for home business and domestic storage purposes, Bald Hills Road, Pambula, on the basis that he is the applicant. A signed declaration form was tabled by Cr Pincini for inclusion in the Register.

Cr Hede declared a conflict of interest regarding Governance and Strategy Committee Item No 6: Australia Day Citizenship Ceremonies on the basis that he is a member of the Rotary Club of Merimbula who are the organising committee for the Merimbula Australia Day Celebrations. A signed declaration form was tabled by Cr Hede for inclusion in the Register.

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

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There were no addresses to Council.

#### **5. Petitions**

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There were no petitions tabled.

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

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The Mayor presented a Mayoral Minute regarding Mr Bruce Hetherington who was Bega Valley Shire President from 1984 to 1988 and who passed away on Sunday 18 October 2009. Council expresses its sincere condolences to Mr Hetherington's family and recognises his significant contribution to the Bega Valley

Bruce Hetherington was first elected to Bega Valley Council after the amalgamation of Bega Municipal, Mumbulla and Imlay Shires in 1981. He was elected Shire President in 1984 and served as Shire President until 1988. Mr Hetherington was Shire President while the current Council building and Chambers were constructed in Bega and the Merimbula branch office was purchased along with additional land for car parking in Merimbula. During his leadership the first Local Environmental Plan (LEP) for the Bega Valley Shire was adopted in 1987 which brought uniformity to planning in the amalgamated shire. He retired from Council in 1991.

Mr Hetherington was one of the charter members of the Merimbula Rotary Club which was founded in 1969. During his time on Merimbula Rotary Mr Hetherington served as President in 1972 and 1978 as well as serving in most other positions. He was

awarded a Paul Harris Fellowship for outstanding contribution to Rotary. He retired from active membership in 2001.

Together with his wife, Margaret, he founded the Pambula "Hub" Caravan Park, which is now one of the leading tourist parks on the south coast. He was a great supporter of the Pambula Beach Bowling Club over the years of its operation. He was a Board member of the Bendigo Bank. He gave generously to a wide variety of community organisations including the Pambula Swimming Club, Pambula Surf Club to name a few.

Mr Hetherington was a committee member of the Sapphire Coast Historical Vehicle Club and a member of the Bega Heritage Car Club and had great passion for historic vehicles.

Mr Hetherington will be sadly missed by his family, friends and associates and his contribution to the Bega Valley is greatly appreciated. His contribution to the civic, community and economic growth of the shire will long be remembered. Council expresses its sincere condolences to Mr Hetherington's family.

At the Mayor's request, Councillors and those present in the chamber stood for a minutes silence in memory of Mr Hetherington.

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

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359/09 RESOLVED on the motion of Crs Britten and Pincini

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 3.17 pm.

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

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### **PLANNING & ENVIRONMENT COMMITTEE**

#### **1. Confirmation of Minutes**

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##### **RECOMMENDATION**

That Council note that the Minutes of the Planning & Environment Committee meeting held on 29 September 2009, as circulated, were taken as read and confirmed.

360/09 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, and Wykes

AGAINST: Nil

ABSENT: Cr Seckold

## 2. Apologies

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### RECOMMENDATION

That Council note the apology received from Cr Seckold for her inability to attend the meeting was accepted.

361/09 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, Pincini, and Wykes

AGAINST: Nil

ABSENT: Cr Seckold

## 3. Companion Animal Guideline review

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### RECOMMENDATION

1. That the southern end of Beares Beach (as depicted in the map above) be declared a leash free area.
2. That the Guideline be reviewed to reflect the inclusion of the Beares Beach leash free area as well as the changes proposed to the Main Beach and Short Point Reserve Merimbula leash free areas.
3. That the revised Guideline be widely advertised in the local media.

362/09 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, and Wykes

AGAINST: Nil

ABSENT: Cr Seckold

## 4. DA No. 2009.0165: Erection of a shed for home business and domestic storage purposes, Bald Hills Road, Pambula

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### **Pecuniary interest**

Cr Pincini 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**

That Development Application 2009.0165 for the erection of a shed on Lot 101 DP 1010784, 327 Bald Hills Road, Pambula be approved subject to standard conditions of consent.

363/09 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, Hughes and Wykes

AGAINST: Nil

ABSENT: Crs Seckold and Pincini

Cr Pincini returned to the room

## **5. Modification to DA No. 1986.1049: Residential subdivision – Old Wallagoot Road, Kalaru**

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### **Pecuniary interest**

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

### **RECOMMENDATION**

The report be deferred to allow further discussion between staff and the applicant, on information regarding sewer headworks charges, for a further report to Council.

364/09 RESOLVED on the motion of Crs Campbell and Pincini that Item 5 of the Planning & Environment Committee as reported be adopted

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

AGAINST: Nil

ABSENT: Crs Seckold and Britten

Cr Britten returned to the room

## **6. Proposed Bega–Yellow Pinch Dam water transfer pipeline and pump station**

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## RECOMMENDATION

That in accordance with the provisions of Part 5 of the Environmental Planning and Assessment Act 1979, Council approve the construction of the Bega to Yellow Pinch Dam water transfer pipeline and pump station subject to the following conditions:

1. The project being carried out in accordance with:
  - Review of Environmental Factors entitled "Proposed Bega – Yellow Pinch Dam water transfer pipeline and pump station, Bega Valley Shire, NSW dated November 2006.
  - Review of Environmental Factors – Addendum entitled "Bega to Yellow Pinch Dam water transfer pipeline dated August 2009.
  - Review of Environmental Factors Attachments dated November 2006.
  - Wolumla Balance Tank Preliminary Noise Observations dated October 2009.
2. That the Project Environmental Management Plan as detailed in the Review of Environmental Factors Attachments dated November 2006 be implemented through the preparation and adoption of a Construction Environmental Management Plan.
3. That the form and content of the Construction Environmental Management Plan be approved by Council prior to any site works commencing on the project.
4. That all private land owners directly affected by the final location of the pipeline route be advised accordingly.
5. That all necessary approvals from relevant State Government Departments and Agencies be received prior to any site works commencing on the project.
6. That the Construction Environmental Management Plan includes detail on, but not limited to:
  - Mitigation measures to limit construction and operational noise impact on adjoining and adjacent lands within the Wolumla Township.
  - Measures to be employed to ensure the integrity of any (identified or otherwise) Aboriginal archaeology during construction phases of the project.
7. That Council continues to inform the general community on the progress of the project on a six monthly basis.
8. That suitable construction leases over those private lands affected by the construction of the pipeline shall be prepared in consultation with the land owner and endorsed by all relevant parties prior to site works commencing.
9. That the General Manager and the Mayor be delegated the authority to enter into the individual construction leases.

10. That the Review of Environmental Factors be placed on Council's website for public information.

365/09 RESOLVED on the motion of Crs Hughes and Pincini that Item 6 of the Planning & Environment Committee as reported be adopted

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

AGAINST: Nil

ABSENT: Cr Seckold

## GOVERNANCE & STRATEGY COMMITTEE

### 1. Confirmation of Minutes

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#### RECOMMENDATION

That Council note the Minutes of the Governance & Strategy Committee meeting held on 29 September 2009, as circulated, were taken as read and confirmed.

366/09 RESOLVED on the motion of Crs Britten and Pincini that Item 1 of the Governance & Strategy Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Seckold

### 2. Apologies

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#### RECOMMENDATION

That Council note the apology received from Cr Seckold for her inability to attend the meeting was accepted.

367/09 RESOLVED on the motion of Crs Britten and Pincini that Item 2 of the Governance & Strategy Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Seckold

### 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 30 September 2009 be received and noted.

368/09 RESOLVED on the motion of Crs Britten and Pincini that Item 3 of the Governance & Strategy Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Seckold

### 4. Government Guarantee on Deposits

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#### RECOMMENDATION

That Council no longer participate in the Government guarantee on term deposits scheme.

369/09 RESOLVED on the motion of Crs Britten and Pincini that Item 4 of the Governance & Strategy Committee as reported be adopted.

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

AGAINST: Cr Campbell

ABSENT: Cr Seckold

### 5. Financial Reports for the year ended 30 June 2009

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#### RECOMMENDATION

1. (a) That Council's General Purpose Financial Report has been prepared in accordance with:
  - (i) The Local Government Act 1993 (as amended) and the Regulations made there under; and
  - (ii) The Australian Accounting Standards and professional pronouncements; and
  - (iii) The Local Government Code of Accounting Practice and Financial Reporting; and

- (iv) Presents fairly the Council's operating result and financial position for the year; and
  - (v) Accords with Council's accounting and other records.
- (b) That Council's Special Purpose Financial Reports have been prepared in accordance with:
- (i) NSW Government Policy Statement "Application of National Competition Policy to Local Government"; and
  - (ii) Department of Local Government Guidelines "Pricing and Costing for Council Businesses: A Guide to Competitive Neutrality"; and
  - (iii) The Local Government Code of Accounting Practice and Financial Reporting; and
  - (iv) The Department of Water and Energy Best Practice Management of Water Supply and Sewerage Guidelines.
  - (v) Present fairly the operating result and financial position for each of Council's declared Business Activities for the year; and
  - (vi) Accord with Council's accounting and other records.
2. That the signatories be required to confirm they are not aware of any matter that would render the reports false or misleading in any way, and include such information in the statement.
3. That Council authorise the Mayor, Deputy Mayor, General Manager and the Responsible Accounting Officer to execute the statement required by Section 413(2)(c) of the Local Government Act 1993.
4. That Council endorse the referral of General Purpose Financial Report and Special Purpose Financial Reports to Council's Auditor for audit.

370/09 RESOLVED on the motion of Crs Britten and Pincini that Item 5 of the Governance & Strategy Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Seckold

## 6. Australia Day Citizenship Ceremonies

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### Conflict of interest

Cr Hede declared a conflict of interest on the basis that he is a member of the Rotary Club of Merimbula who are the organising committee for the Merimbula

Australia Day Celebrations but remained in the meeting room and took part in debate or voting on this item.

### RECOMMENDATION

1. That Australian Citizenship Ceremonies continue to be conducted in the Shire on Australia Day as part of the Shire's official Australia Day Celebrations.
2. That Council note the recent advice from the Department of Immigration that the Mayor, Deputy Mayor and General Manager will be authorised to receive a pledge of commitment and to preside over Citizenship ceremonies.
3. That the organising committee of the Merimbula Australia Day celebrations, be advised accordingly.

371/09 RESOLVED on the motion of Crs Britten and Pincini that Item 6 of the Governance & Strategy Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Seckold

## 7. Southern Councils Group minutes of meeting 11 September 2009

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### RECOMMENDATION

That Council endorse the resolutions of the Southern Councils Group meeting held on 11 September, 2009.

372/09 RESOLVED on the motion of Crs Britten and Pincini that Item 7 of the Governance & Strategy Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Seckold

## 8. George Bass Surf Boat Marathon

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### RECOMMENDATION

That Council approve funding of \$5,500 as sponsorship toward the 2010 George Bass Surfboat Marathon, with funding to be made available through the budget allocation for Section 356 expenses.

373/09 RESOLVED on the motion of Crs Britten and Pincini that Item 8 of the Governance & Strategy Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Seckold

## 9. Fee Structure for the David Ramsey Memorial Rose Garden

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### RECOMMENDATION

1. That Council place the proposed fee structure for the David Ramsey Memorial Rose garden on public exhibition, seeking submissions, for a period of 28 days.
2. That a further report be presented to Council after the exhibition period closes.

374/09 RESOLVED on the motion of Crs Britten and Pincini that Item 9 of the Governance & Strategy Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Seckold

## 10. Review of Council membership of peak bodies

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### RECOMMENDATION

1. That Council seek further information from H Division regarding the Charter of the proposed SEROC regarding the role and relationships of SEROC and SEATS.
2. That Council indicate support for participation in SEROC on the basis that H Division and the Regional Leaders Forum be absorbed into the proposed SEROC.
3. That a further report be prepared for Council following receipt of this information.

375/09 RESOLVED on the motion of Crs Britten and Pincini that Item 10 of the Governance & Strategy Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Seckold

## INFRASTRUCTURE COMMITTEE

### 1. Confirmation of Minutes

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#### RECOMMENDATION

That Council note that the Minutes of the Infrastructure Committee meeting held on 29 September 2009, as circulated, were taken as read and confirmed.

376/09 RESOLVED on the motion of Crs Pincini and Britten that Item 1 of the Infrastructure Committee as reported be adopted

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

AGAINST: Nil

ABSENT: Cr Seckold

### 2. Apologies

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#### RECOMMENDATION

That Council note the apology received from Cr Seckold for her inability to attend the meeting was accepted.

377/09 RESOLVED on the motion of Crs Pincini and Britten that Item 2 of the Infrastructure Committee as reported be adopted

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

AGAINST: Nil

ABSENT: Cr Seckold

### 3. Compulsory Acquisition of Crown Land at Candelo – Restore legal access

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#### RECOMMENDATION

That Council authorise the General Manager to execute the necessary documents to affect the compulsory acquisition of Crown Land being Lot 17 DP 251561 and part of R16 for Preservation of Water Supply and other Public Purposes to provide legal access to Lot 20 DP 750201 and Lot 1154 DP 714000, subject to all costs being borne by the applicant for Development Application 2006.0577 and enter into a legal agreement with the applicant to carry out the compulsory acquisition.

378/09 RESOLVED on the motion of Crs Pincini and Britten that Item 3 of the Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Seckold

#### **4. Pambula Pool Project**

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##### **RECOMMENDATION**

That Council authorise the General Manager to execute the Project Service Agreement with the Pambula Aquatic Centre Inc.

379/09 RESOLVED on the motion of Crs Pincini and Britten that Item 4 of the Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Cr Seckold

#### **9. Delegates reports**

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There were no delegates reports.

#### **10. Rescission/alteration motions**

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There were no rescission/alteration motions.

#### **11. Notices of motion**

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There were no Notices of Motions.

#### **12. Urgent business (not elsewhere included)**

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There were no items of urgent business.

### 13. Questions on notice

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**Cr Campbell** asked at the meeting on 8 September 2009, was the waste department aware of the availability of a compostable cellulose bag and can the uses be investigated?

The question was taken on notice by the Group Manager Infrastructure Waste and Water and was answered by memorandum to Councillors, in summary:

With the banning of plastic bags in South Australia earlier this year, some supermarkets such as Coles are considering introducing compostable bags. The key issue to be addressed is to change consumer behaviour in regards to reducing the use of disposable bags. While compostable bags assist with landfill disposable they remain a litter and wildlife risk. The use of reusable bags such as polypropylene and jute bags does better address a change to consumer behaviour as they are reused many times.

With an increase in the choices for the type of bags available for consumers, it may be worthwhile considering banning plastic bags as other councils have done. However, it is suggested that this approach should only be undertaken through a regional strategy by the South Coast Region. Extensive consultation would need to occur with businesses within the region as well.

**Cr Britten** asked at the meeting on 8 September 2009 staff to consider use of an Australian made product to assist in controlling the spread of cigarette butts and litter. The question was taken on notice by the Group Manager Infrastructure Waste and Water. Cr Hede noted that a previous investigation may still be on file.

The question was taken on notice by the Group Manager Infrastructure Waste and Water and was answered by memorandum to Councillors, in summary:

Promotional materials were recently sent to Cr Britten by Enviropoles for fixed cigarette bins. Cigarette bins are not the preferred approach to reducing cigarette butt littering. Research for fixed kerbside cigarette butt bins has found the highest amount of cigarette butt litter was around the outside of the actual cigarette bins. It appears that a large number of smokers toss the butts at the bins rather than placing them inside the bin. The Enviropoles are also expensive and it is felt that money would be better allocated to education and supply of personal ash trays.

The SCG has received a Litter Prevention Grant of \$30,000 from DECCW. The litter prevention program will include cigarette butts and the time period is during October to December. The project will involve, amongst other local initiatives, litter bag distribution, advertisements in the November and December iMag, use of variable messaging signs with anti littering messages (subject to RTA approval) local enforcement action and visual litter assessment of hotspot/s.

During the last campaign 4,000 litter bags were distributed by Council and it is proposed that this will occur for the current campaign. It is suggested that the litter campaign with the SCG include as a local initiative for BVSC to supply personal ash trays to be handed out with the litter program. Depending on the success of the program, there is the possibility that the supply of personal ash trays be extended throughout the year. The personal ash trays could be supplied through participating stores and Council offices at a subsidised cost. A grant with the Butt Littering Trust could be sought through the SCG for the litter campaign that subsidised the personal ash trays.

**Cr Wykes** asked a question at the meeting held on 29 September 2009 regarding the removal of a "Save Pambula Hospital" sign from the Merimbula Bridge and whether Council staff were responsible for removing that sign?

The question was taken on notice by the Group Manager of Infrastructure Waste & Water who advises that enquires made of Council's works staff supervisors confirms that there was no knowledge of the signs removal by Council staff.

## 14. Questions without notice

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**Question No 1 - Cr Campbell** asked has the Plan of Management for Evans Park been prepared and if not how long is it likely to take?

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

**Question No 2 - Cr Campbell** asked have the Engineering consultants reported on the Tathra Ring road and what steps have been taken to prepare the Report on Environmental Factors?

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

**Question No 3 - Cr Campbell** asked when the report on the Council resolution for Council to explore 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, is likely to be presented?

The General Manager responded that it was expected this report would be presented to the next Council meeting.

**Question No 4 - Cr Campbell** asked what is the legality regarding a large sign that has been erected at Wapengo Creek in the road reserve and what steps can be taken if it has been illegally erected?

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

**Question No 5 - Cr Wykes** asked could he have a copy of the letter sent to the Minister for Health and queried if a response has been received to that letter?

The General Manager responded that no reply has been received and a that follow up letter will be sent.

## **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 3.23 pm.

CONFIRMED .....

CHAIRPERSON

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