

Ordinary Meeting Minutes

Held on Tuesday 29 September 2009

at the Council Chambers, Bega commencing at 2.00 pm

PRESENT	Councillor Allen (CHAIRPERSON) and Councillors Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes
IN ATTENDANCE	Ms Leanne Barnes – Acting General Manager, 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

Mayoral Announcement

The Mayor made mention of the fact that he and the Acting General Manager had just come from a presentation ceremony for the editor of the Bega District News, Mr Steve Strevens. Mr Strevens was awarded the Sir Harry Budd Memorial Award for Australian Country Journalism for 2008/09. The Mayor offered Mr Strevens his congratulations on behalf of the community for being presented with such a prestigious award.

1. Confirmation of Minutes

331/09 RESOLVED on the motion of Crs Campbell and Seckold

That the Minutes of the Extraordinary and Ordinary Meetings of 8 September 2009, as circulated, be taken as read and confirmed.

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

AGAINST: Nil

ABSENT: Nil

2. Apologies

There were no apologies.

3. Declarations

Conflict of Interest

Cr Hede declared a conflict of interest regarding Item 8 of the Governance & Strategy Committee - Australia Day Citizenship Ceremonies, on the basis that he is a member of the Merimbula Rotary Club 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)

SUSPENSION OF STANDING ORDERS

332/09 RESOLVED on the motion of Crs Britten and Pincini

That Standing Orders be suspended to allow Mr Tony Stove, on behalf of the Rotary Club of Merimbula, to address the Council regarding Governance & Strategy Committee Report No 8 – Australia Day Citizenship Ceremonies.

DEPUTATIONS

Mr Tony Stove addressed the Council regarding Governance & Strategy Committee Report No 8 – Australia Day Citizenship Ceremonies and responded to questions from Councillors.

The Mayor thanked Mr Stove for his address.

RESUMPTION OF STANDING ORDERS

5. Petitions

There were no petitions tabled.

6. Mayoral Minutes

1. Invitation to Prime Minister to open Regional Community and Local Infrastructure projects in the Bega Valley

333/09 RESOLVED on the motion of the Mayor, Cr Allen

1. That the Council advise Dr Kelly of its intention to write to the Prime Minister and Minister Albanese to invite them to provide available dates to attend the openings of several of the Regional and Local Community Infrastructure funded programs.

2. That Council formally invite the Prime Minister and Minister Albanese to officially open Regional and Local Community Infrastructure funded programs in the Bega Valley and request that appropriate available dates be advised to Council.

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

AGAINST: Nil

ABSENT: Nil

SUSPENSION OF STANDING ORDERS

334/09 RESOLVED on the motion of Crs Hede and Allen

That Standing Orders be suspended to allow Items 4 and 6 of the Governance & Strategy Committee to be dealt with at this point of the Ordinary Meeting, prior to the adjournment into Standing Committees.

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

AGAINST: Nil

ABSENT: Nil

4. Standing Committees of Council – Terms of Reference

335/09 RESOLVED on the motion of Crs Britten and Campbell

That policy 1.1.3 Committees of Council and procedure 1.1.3 (a) Standing Committees – Terms of Reference be adopted and supersede version one of these documents.

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

AGAINST: Nil

ABSENT: Nil

6. Delegation of Council functions to Council Committees, Mayor, General Manager and staff

336/09 RESOLVED on the motion of Crs Britten and Seckold

1. That Council authorise the delegations as per the Delegations of Authority Manual in relation to delegations to Standing Committees and the General Manager under the Local Government Act 1993 and other identified Acts.

2. That Council note the Delegations from the General Manager to staff contained in the Delegation of Authority Manual presented to the Council meeting of 29 September 2009.
3. That the delegations from Council to the General Manager be reviewed as required but at least within 12 months of each ordinary election of Councillors.
4. That a copy of the current Delegation of Authority Manual be provided to all Councillors following the Council meeting of 29 September 2009 and access be provided to the community via Council's web page.

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

AGAINST: Nil

ABSENT: Nil

RESUMPTION OF STANDING ORDERS

7. Adjournment into Standing Committees

- 337/09 RESOLVED on the motion of Crs Seckold and Pincini 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 3.08 pm.

8. Adoption of reports from Standing Committees

PLANNING & ENVIRONMENT COMMITTEE

1. Confirmation of Minutes

As this was the first meeting of the newly formed Planning and Environment Committee there were no minutes to confirm.

2. Apologies

There were no apologies.

3. DA No. 2008.0640: Use of land for dwelling purposes – Khandallah Road, Kiah

RECOMMENDATION

That Development Application 2008.0640 for the use of Lot 4 DP750223, Khandallah Road, Kiah for dwelling purposes be approved subject to the conditions outlined in the draft consent submitted to Council on 29 September 2009.

338/09 RESOLVED on the motion of Crs Campbell and Pincini that Item 3 of the Planning & Environment Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Nil

4. DA No. 2008.0200: Staged nine lot subdivision – 999 Big Jack Mountain Road, Rocky Hall

RECOMMENDATION

1. That Development Application 2008.0200 for the staged subdivision of land to create eight concessional lots and a residue on Lots 3, 11, 31 & 107 DP750204 and Lot 5 & 6 DP750215 – 999 Big Jack Mountain Road, Rocky Hall be approved in accordance with Council's standard subdivision conditions.

2. That those persons who made submissions be advised of Council's decision.

339/09 RESOLVED on the motion of Crs Campbell and Pincini that Item 4 of the Planning & Environment Committee as reported be adopted.

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

AGAINST: Crs Hughes, Seckold and Wykes

ABSENT: Nil

5. Planning proposal – Le Ander Gardens, Old Tilba Road, Wallaga Lake

RECOMMENDATION

1. That Council resolve pursuant to Section 54 of the Environmental Planning and Assessment Act to amend the 2002 Bega Valley Local Environmental Plan by the addition of an allowance clause to include as a permissible use on Lot 41 DP 752130 Old Tilba Road, Wallaga Lake a function centre.

2. That Council refer the draft planning proposal to the Department of Planning for consideration by the 'Gateway Panel'.
3. That Council resolve that, due to the minor nature of the proposal, in its opinion a formal exhibition is unnecessary but that adjoining properties be notified to allow them to lodge a submission.
4. That the planning proposal be referred back to Council following consultation to allow a final resolution to be made to refer the amendment to the Minister for final approval.

340/09 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, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Nil

GOVERNANCE & STRATEGY COMMITTEE

1. Confirmation of Minutes

As this was the first meeting of the newly formed Governance and Strategy Committee there were no minutes to confirm.

2. Apologies

There were no apologies.

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

RECOMMENDATION

1. That the Certificate of Investment made under Section 625 of the Local Government Act, 1993 as at 31 August 2009 be received and noted.
2. That a report be presented to Council on the need for continuing the insurance of investments in particular for the four major trading banks.

341/09 RESOLVED on the motion of Crs Britten and Campbell that Item 3 of the Governance & Strategy Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Nil

4. Standing Committees of Council – Terms of Reference

This item was dealt with during the ordinary meeting prior to the adjournment into Standing Committees.

5. Internal Audit Committee charter and recommendations

RECOMMENDATION

That Council note the resolutions from the Internal Audit Committee meeting of 31 August 2009.

342/09 RESOLVED on the motion of Crs Britten and Campbell that Item 5 of the Governance & Strategy Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Nil

6. Delegation of Council functions to Council Committees, Mayor, General Manager and staff

This item was dealt with during the ordinary meeting prior to the adjournment into Standing Committees.

7. Extraordinary Meeting 21 September 2010

RECOMMENDATION

That Council resolve to hold an Extraordinary Council Meeting at 2.00pm on Tuesday 21 September 2010 for the purpose of:

- Mayoral election
- Deputy Mayor election
- Meeting date schedule
- Council meetings – order of business

- Pecuniary interest returns and declarations
- Standing Committees – appointments
- Delegates and representatives – appointments
- Review and confirmation of Code of Conduct, Code of Meeting Practice, and Payment of Expenses and Provision of Facilities for Councillors procedures.

343/09 RESOLVED on the motion of Crs Britten and Campbell that Item 7 of the Governance & Strategy Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Nil

8. Australia Day Citizenship Ceremonies

RECOMMENDATION

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

344/09 RESOLVED on the motion of Crs Britten and Campbell that Item 8 of the Governance & Strategy Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Nil

9. Federal Government Regional and Local Community Infrastructure Program Funding: Progress Report

RECOMMENDATION

That Council defer the status report on the Regional Local Community Infrastructure Program projects and refer the report to a Councillor workshop.

345/09 RESOLVED on the motion of Crs Britten and Campbell that Item 9 of the Governance & Strategy Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Nil

INFRASTRUCTURE COMMITTEE

1. Confirmation of Minutes

As this was the first meeting of the newly formed Infrastructure Committee there were no minutes to confirm.

2. Apologies

There were no apologies.

3. Local Traffic Committee reporting procedures

RECOMMENDATION

That Council note that all recommendations of the Local Traffic Committee be reported to Council to allow consideration and/or adoption of those recommendations and confirm its nominated representative as voting delegate and committee convenor.

346/09 RESOLVED on the motion of Crs Pincini and Campbell that Item 3 of the Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Nil

4. Local Traffic Committee 4 September 2009

RECOMMENDATION

That Council note the advice of the Bega Valley Local Traffic Committee meeting of 4 September 2009 and approve the recommendations contained therein for action.

347/09 RESOLVED on the motion of Crs Pincini and Campbell that Item 4 of the Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Nil

5. Minyama Parade, Bega – establishment of *No Stopping*

RECOMMENDATION

That 14.0 metres of *No Stopping* be established on the east side of Minyama Parade, Bega, extending from 24.5 metres south of Maher Street to 38.5 metres south of Maher Street and operating 7.00am to 7.00pm Monday to Friday.

348/09 RESOLVED on the motion of Crs Pincini and Campbell that Item 5 of the Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Nil

6. Closure of part of Council Road Reserve – Arthur Kaine Drive, Pambula

RECOMMENDATION

That Council authorise the General Manager to execute the necessary documents to affect the closure of part of the Arthur Kaine Drive road reserve and subsequent transfer of the land to JG & PJ Hazell, subject to all costs being borne by them and to payment of \$4,000 by them to Council for the land acquisition.

349/09 RESOLVED on the motion of Crs Pincini and Campbell that Item 6 of the Infrastructure Committee as reported be adopted.

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

AGAINST: Nil

ABSENT: Nil

7. Eden State Emergency Service rescue vehicle

RECOMMENDATION

1. That Council accept the offer of the State Emergency Services to replace the Eden rescue vehicle and assume all future replacement, maintenance and running costs of that vehicle.
2. That Council contribute to the SES the trade-in value of the existing rescue vehicle to the local branch.

- 350/09 RESOLVED on the motion of Crs Pincini and Campbell that Item 7 of the Infrastructure Committee as reported be adopted.
- IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes
- AGAINST: Nil
- ABSENT: Nil

8. Liquid Trade Waste Policy 2009

RECOMMENDATION

That the Draft Liquid Trade Waste Policy of July 2009 be adopted.

- 351/09 RESOLVED on the motion of Crs Pincini and Campbell that Item 8 of the Infrastructure Committee as reported be adopted.
- IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes
- AGAINST: Nil
- ABSENT: Nil

9. Development and implementation of a Liquid Trade Waste Management System

RECOMMENDATION

1. That Council not accept any tenders.
2. That Council implement the Liquid Trade Waste Policy using in-house resources based on the appointment of a full time Liquid Trade Waste Officer and additional temporary casual inspectorial staff.

- 352/09 RESOLVED on the motion of Crs Pincini and Campbell that Item 9 of the Infrastructure Committee as reported be adopted.
- IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes
- AGAINST: Nil
- ABSENT: Nil

9. Delegates reports

There were no reports from Council delegates.

10. Rescission/alteration motions

353/09 RESOLVED on the motion of Crs Britten and Campbell

That in relation to Item 5 of the Corporate Management Committee Meeting of 8 September 2009, the following resolution be rescinded:-

“That Council not resume membership of SEATS”.

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

AGAINST: Cr Hughes and Seckold

ABSENT: Nil

11. Notices of motion

Notice of Motion No 1. – Cr Michael Britten

354/09 RESOLVED on the motion of Crs Britten and Campbell

That Council review possible membership of SEATS as part of its review of SEROC and similar organisations.

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

AGAINST: Nil

ABSENT: Nil

12. Urgent business (not elsewhere included)

There were no items of urgent business.

13. Questions on notice

There were no questions on notice.

14. Questions without notice

Cr Hughes asked a question regarding recent reports in the Bega District News which referred to allegations that Council staff were causing diversions around water meters?

The Acting General Manager confirmed that the reports were false and that recent investigations had found that no such action had taken place.

Cr Wykes asked a question 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.

Cr Wykes asked whether a response had been received from the NSW Minister for Health in relation to Council’s letter of 30 July 2009 requesting a meeting with him and representatives of Save Pambula Hospital Action Group?

Both the Acting General Manager and the Mayor advised that they were not aware of any response being received to date in relation to this request.

15. Confidential Business: Adjournment into Closed Session

355/09 RESOLVED on the motion of Crs Campbell and Britten

1. That Council resolve to adjourn into Closed Session to discuss Item 4.1 – Merimbula Town Centre of the Closed Session Agenda, on the basis that the reports concern:-
 - 10A(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
 - 10A(2)(d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.
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).

16. Adoption of reports from Closed Session

1. Merimbula Town Centre

RECOMMENDATION

1. That Council lodge an Expression of Interest at a reduced offer of the amount agreed in the Closed Session meeting, taking into account any potential ongoing remediation management.
2. That the loan servicing options, should the Expression of Interest be successful, be identified in the 2010/11 budget.

356/09 RESOLVED on the motion of Crs Britten and Campbell that Item 4.1 of the Closed Session meeting as reported be adopted.

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

AGAINST: Crs Hughes and Seckold

ABSENT: Nil

17. 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 4.16 pm.

CONFIRMED

CHAIRPERSON

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