

Ordinary Meeting Minutes

Held on Wednesday 16 March 2022

at Council Chambers, Biamanga Room Bega Valley Commemorative Civic Centre
Bega commencing at 2:00pm

PRESENT

Cr Russell Fitzpatrick, Mayor
Cr Liz Seckold, Deputy Mayor
Cr Tony Allen
Cr Cathy Griff
Cr Mitchell Nadin
Cr Helen O'Neil
Cr David Porter
Cr Joy Robin
Cr Karen Wright

IN ATTENDANCE

Chief Executive Officer, Mr Anthony McMahon
Director, Assets and Operations, Mr Ian Macfarlane
Director, Community, Environment and Planning, Dr Alice Howe
Director, Business and Governance, Mrs Iliada Bolton
Manager Communications and Events, Ms Emily Harrison
Minute Secretary, Mrs Jackie Grant

Statement of Commencement of Live Streaming

The Mayor made an announcement about live streaming requirements:

Council meetings are recorded and live streamed to the Internet for public viewing.

The recording will be archived and made available on Council's website www.begavalley.nsw.gov.au.

Acknowledgement of Traditional Custodians of Bega Valley Shire

The Mayor commenced by acknowledging, on behalf of Bega Valley Shire Council, the Traditional Custodians of the lands and waters of the Shire, the people of Yuin nation, to show respect to elders past and present.

Statement of Ethical Obligations

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Bega Valley Shire and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

The Mayor made a statement for flood affected Communities.

1. Apologies

There were no apologies

2. Confirmation of Minutes

11/22 [RESOLVED on the motion of Crs Allen and O'Neil](#)

That the Minutes of the Ordinary Meeting and Closed session held on 9 February 2022 as circulated, be taken as read and confirmed.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

3. Declarations

Pecuniary Interest

Cr Karen Wright declared a pecuniary interest regarding Item 8.2 1a) the E4 General Industrial zone is applied to Lot 5 DP 1021345, Corner Wanatta Lane and Princes Hwy, Wolumla. A signed declaration form was tabled by Cr Wright, she will depart the chamber when Item 8.2 1a) the E4 General Industrial zone is applied to Lot 5 DP 1021345, Corner Wanatta Lane and Princes Hwy, Wolumla is discussed.

4. Public Forum

The following deputations were heard:

[Item 8.2 Implementation of the NSW Employment Zones Reform to Bega Valley Local Environmental Plan 2013](#)

- Mr Kevin Johnston - FOR

[Item 8.4 Request to support Aboriginal housing, community development and tourism projects](#)

- Mr Mark Bateman OBO Eden Local Aboriginal Land Council – FOR

[Item 9.4 Tura Beach Country Club Funding Support Proposal](#)

- Mr Alec Werchanowski OBO The Tura Beach County Club - AGAINST

5. Petitions

Cr Allen - A petition containing 581 signatures regarding opening Cobargo tip permanently (not temporarily) and accept scrap metal etc. was electronically circulated to Councillors and Executive Staff.

6. Mayoral Minutes

There were no Mayoral minutes.

7. Urgent Business

There was no Urgent Business.

8. Staff Reports – Community, Environment and Planning

8.1 Agritourism amendments to Bega Valley Local Environmental Plan 2013

12/22 **RESOLVED on the motion of Crs Allen and Seckold**

That Council formally advises the NSW Department of Planning and Environment that it wishes to incorporate the optional clauses for *farm stay accommodation* and *farm gate premises* and include the land uses of *farm stay accommodation*, *agritourism*, *farm gate premises* and *farm experience premises* into *Bega Valley Local Environmental Plan 2013* as detailed in this report.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

8.2 Implementation of the NSW Employment Zones Reform to Bega Valley Local Environmental Plan 2013

Cr Karen Wright declared a pecuniary interest regarding Item 8.2 1a) the E4 General Industrial zone is applied to Lot 5 DP 1021345, Corner Wanatta Lane and Princes Hwy, Wolumla, Cr Wright departed the chamber.

13/22 **RESOLVED on the motion of Crs Allen and Nadin**

That Item 8.2 - 1a) be dealt with separately.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

02:08 pm Cr Wright left the meeting.

02:14 pm Cr Wright returned to the meeting.

14/22 **RESOLVED on the motion of Crs Nadin and Allen**

That Council:

1. Endorse the proposed translation of the employment zones in the *Bega Valley Local Environmental Plan 2013* (BVLEP 2013) as recommended by the NSW Department of Planning and Environment (DPE) with the following exceptions as described in Attachment 2 to this report:

a) the E4 General Industrial zone is applied to Lots 4 and 5 DP 1021345, Corner Wanatta Lane and Princes Hwy, Wolumla.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil and Robin

AGAINST: Nil

ABSENT: Cr Wright

15/22 **RESOLVED on the motion of Crs Allen and Robin**

That Council:

1. Endorse the proposed translation of the employment zones in the *Bega Valley Local Environmental Plan 2013* (BVLEP 2013) as recommended by the NSW Department of Planning and Environment (DPE) with the following exceptions as described in Attachment 2 to this report:

b) the E5 Heavy Industrial zone is applied to the Edrom Road industrial precinct, Edrom.

c) include an additional clause to Schedule 1 Additional Permitted Use to enable 'specialised

retail premises' to be permitted with development consent within the North and South Bega industrial precincts.

- d) the E2 Commercial Centre zone is applied to the Bega and Merimbula/Tura Beach Central Business Districts.
 - e) the E3 Productivity Support zone is applied to the Boundary Road, South Bega industrial precinct.
 - f) the E3 Productivity Support zone is applied to the Barclay and Wirriga Streets industrial precinct, Eden.
 - g) include an additional clause to Schedule 1 Additional Permitted Use to enable 'general industries', 'freight transport facilities' and 'residential accommodation' to be permitted with development consent within the Eden Local Aboriginal Land Council land off Wirriga and Mailing Streets.
 - h) the MU1 Mixed Use zone is applied to the Merrimans Local Aboriginal Land Council land at Young Street, Bermagui.
 - i) prohibit the use 'health services facilities' in the E4 General Industrial zone and the uses of 'health services facilities', 'artisan food and drink industry' and 'local distribution centre' in the E5 Heavy Industrial zone.
 - j) the boundaries of the E4 General Industrial and R5 Large Lor Residential zone are realigned at She Oak Close, South Bega Industrial Precinct.
 - k) include an additional clause to Schedule 1 Additional Permitted Use to enable 'tourist and visitor accommodation' above the ground floor to be permitted with development consent on part Lot 15 DP 790681 and part Lot 2 DP 1268599 at the Port of Eden.
2. Endorse the additional objectives to be included in the proposed E1 Local Centre, MU1 Mixed Use, E4 General Industrial and E5 Heavy Industrial.
 3. Advise DPE of Council's resolution to inform DPE's public exhibition process.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

8.3 Memorandum of Understanding with Bega Littleton Citizens Exchange

16/22 **RESOLVED on the motion of Crs Seckold and Nadin**

That Council delegate to the Chief Executive Officer authority to enter into a Memorandum of Understanding with Bega Littleton Citizens Exchange Group (Attachment 1) to support the exchange program.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

8.4 Request to support Aboriginal housing, community development and tourism projects

A motion was moved by Crs Nadin and Allen

That Council:

1. Note the work being undertaken by Bega and Eden Local Aboriginal Land Councils to deliver

tourism, community development and affordable housing projects across Bega Valley Shire, with funding from the NSW government.

2. Note that Council's Memorandum of Understanding with Local Aboriginal Land Councils calls for Council to support social and economic outcomes for local Indigenous people.
3. Add projects identified in part 3 of the recommendation to Council's priority development assessment category, along with bushfire rebuilds and employment generating development.
4. Note that parts 1-4 of the recommendation do not imply Council support for the specific developments, which will be subject to Council's standard impartial development assessment process.
5. That a workshop be held in relation to potential waiver of fees for social and community housing projects.

A motion was foreshadowed by Crs Fitzpatrick and O'Neil

That Council:

1. Note the work being undertaken by Bega and Eden Local Aboriginal Land Councils to deliver tourism, community development and affordable housing projects across Bega Valley Shire, with funding from the NSW government.
2. Note that Council's Memorandum of Understanding with Local Aboriginal Land Councils calls for Council to support social and economic outcomes for local Indigenous people.
3. Publicly exhibit as required its intent to waive development assessment and principal certifying authority fees, including section 7.11, section 7.12 and section 64 developer contributions, for the following projects following the required exhibition period:
 - a) 23 Kirkland Crescent Bega (one residential dwelling and a secondary dwelling – Bega LALC)
 - b) 13 Murrays Flat Road, Tarraganda (one residential dwelling – Bega LALC)
 - c) Applegum Close (multipurpose community workshop - Bega LALC)
 - d) Curalo/Maling St Eden (seven or eight residential dwellings – Eden LALC)
 - e) Jigamy Campground Upgrade (Eden LALC and Twofold Aboriginal Corporation)
 - f) Bundian Way Node 1 (Eden LALC)
4. Add projects identified in part 3 of the recommendation to Council's priority development assessment category, along with bushfire rebuilds and employment generating development.
5. Note that parts 1-4 of the recommendation do not imply Council support for the specific developments, which will be subject to Council's standard impartial development assessment process.

The motion was put to the vote and it was LOST.

IN FAVOUR: Crs Nadin and Allen

AGAINST: Crs Fitzpatrick, Griff, Seckold, Porter, O'Neil, Robin and Wright

The foreshadowed motion became the motion and was put to the vote and it was CARRIED.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

17/22

RESOLVED on the motion of Crs Fitzpatrick and O'Neil

That Council:

1. Note the work being undertaken by Bega and Eden Local Aboriginal Land Councils to deliver tourism, community development and affordable housing projects across Bega Valley Shire, with funding from the NSW government.

2. Note that Council's Memorandum of Understanding with Local Aboriginal Land Councils calls for Council to support social and economic outcomes for local Indigenous people.
3. Publicly exhibit as required its intent to waive development assessment and principal certifying authority fees, including section 7.11, section 7.12 and section 64 developer contributions, for the following projects following the required exhibition period:
 - a) 23 Kirkland Crescent Bega (one residential dwelling and a secondary dwelling – Bega LALC)
 - b) 13 Murrays Flat Road, Tarraganda (one residential dwelling – Bega LALC)
 - c) Applegum Close (multipurpose community workshop - Bega LALC)
 - d) Curalo/Maling St Eden (seven or eight residential dwellings – Eden LALC)
 - e) Jigamy Campground Upgrade (Eden LALC and Twofold Aboriginal Corporation)
 - f) Bundian Way Node 1 (Eden LALC)
4. Add projects identified in part 3 of the recommendation to Council's priority development assessment category, along with bushfire rebuilds and employment generating development.
5. Note that parts 1-4 of the recommendation do not imply Council support for the specific developments, which will be subject to Council's standard impartial development assessment process.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

8.5 Appointment of volunteer representatives to Council committees

18/22 **RESOLVED** on the motion of Crs Seckold and Nadin

That Council:

1. Appoint the following volunteers to the Access and Inclusion Advisory Committee for the term of the current Council:
 - a) Rosemary Oates
 - b) Jenny Robb
 - c) Elizabeth Mallett
 - d) Sally Honey
 - e) James Aulbury
 - f) Graham Carmody
2. Appoint the following volunteers to the Bega Valley Awards Committee for the term of the current Council:
 - a) Lori Hammerton
 - b) Sharyn Whiting
3. Appoint the following volunteers to the Bega Valley Coast and Flood Management Committee for the term of the current Council:
 - a) Caroline Henry
 - b) Barbara Jones
 - c) Jenifer Lowe
 - d) Kenneth Robinson

e) Paul Menke

4. Appoint the following volunteers to the Cemeteries Advisory Committee for the term of the current Council:

a) Barbara Grant

b) Nancy Grant

c) Fiona Firth

d) Anne Greenaway

e) Jackie Miles

f) Michael Pryke

g) Darryl Massey

5. Appoint the following volunteers to Montreal Goldfields Committee for the term of the current Council:

a) Alan Douch

b) Barry Virtue

c) Bill Southwood

d) Bob Hearn

e) Carolyne Banados

f) Chris Franks

g) Ern Espinoza

h) Geoffrey Guiffre

i) Lori Hammerton

j) Judi Hearn

k) Kerri Binstock

l) Marshall Binstock

m) Sheila Brice

6. Appoint Cr Wright as the alternate Council representative to the Biamanga National Park Board

7. Note that agency and industry representatives have been provided for the Bega Valley Coast and Flood Management Committee, and Local Aboriginal Land Council representatives have been provided for the Bega, Eden, Merrimans Aboriginal Liaison Committee.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

9. Staff Reports – Assets and Operations

9.1 Cuttagee Bridge Community Advisory Group

A motion was moved by Crs Griff and O'Neil

1. That Council receive and note the contents of the report and the various attachments.
2. Should Council decide to undertake further action to progress plans for Cuttagee Bridge a Project Steering Group is constituted with a remit other than to just advise on the heritage aspects.

A motion was foreshadowed by Crs Allen and Seckold

That Council receive and note the contents of the report and the various attachments

The motion was put to the vote and it was LOST.

IN FAVOUR: Crs Griff, O'Neil, Robin and Wright

AGAINST: Crs Fitzpatrick, Nadin, Seckold, Allen and Porter

The foreshadowed motion became the motion and was put to the vote and it was CARRIED.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

19/22 RESOLVED on the motion of Crs Allen and Seckold

That Council receive and note the contents of the report and the various attachments

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

9.2 Water and Sewer Services Policies and Procedures

20/22 RESOLVED on the motion of Crs Allen and Nadin

That Council resolve to:

1. That Council note the Draft Policy 4.07 Water and Sewerage Services version 6
2. That Policy 4.07 Water and Sewerage Services and associated procedures *be* exhibited for a minimum period of 28 days and submission received for 42 days
3. That a further report be presented to Council following the closure of the submission timeframe with a Councillor workshop to be held prior to the report being considered.
4. That Policies 4.01 Drinking Water Quality and 4.08 Drinking Water supply be revoked as they have been merged into Policy 4.07 Water and Sewerage Services

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

9.3 RFT 2122-022 Bega Water Treatment Plant and Depot Solar

21/22 RESOLVED on the motion of Crs O'Neil and Nadin

1. That Council accepts the recommendations in the attached confidential memo.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright
AGAINST: Nil

22/22 **RESOLVED on the motion of Crs O'Neil and Nadin**

2. That Council accepts the tender for RFT 2122/022 Bega WTP and Depot Solar from Aust 1 Energies Pty Ltd for the lump sum price of \$641,258.20 (GST inclusive) as outlined in Confidential Attachment 1
3. That the Provisional Sum included in the Tender for a Battery Energy Storage System (BESS) be negotiated following completion of the system design.
4. That Council officers notify all tenderers of Council's decision.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright
AGAINST: Nil

9.4 Tura Beach Country Club Funding Support Proposal

A motion was moved by Cr Allen and Robin

Council do not provide funding as requested

A motion was foreshadowed by Cr Nadin

That council defer the item to workshop a policy position regarding subsidising water reuse in the shire

An amendment to the motion was proposed by Cr Allen and Robin and became the motion

1. Council do not provide funding as requested
2. Council conduct a Councillor workshop on effluent reuse

IN FAVOUR: Crs Fitzpatrick, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright
AGAINST: Cr Nadin

23/22 **RESOLVED on the motion of Crs Allen and Robin**

1. Council do not provide funding as requested
2. Council conduct a Councillor workshop on effluent reuse

IN FAVOUR: Crs Fitzpatrick, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright
AGAINST: Cr Nadin

9.5 RFT 2122-053 InQuik Bridge Installations

24/22 **RESOLVED on the motion of Crs Allen and Nadin**

1. That Council accept the recommendations in the confidential attachment relating to RFT 2122-053 InQuik Bridge Installations.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright
AGAINST: Nil

25/22 **RESOLVED on the motion of Crs Allen and Nadin**

2. That Council reject all of the tenders in relation to contract for the works described in Tender RFT 2122-053 InQuik Bridge Installations, and delegate the Chief Executive Officer to enter

into negotiations with the preferred Tenderer with a view to enter into contracts.

3. That authority be delegated to the Chief Executive Officer to execute all necessary documentation.
4. That all tenderers be advised of Council's decision.
5. That Council formally write to Transport for NSW and State Ministers around the Fixing Country Bridges Program to advocate changes to the current funding deed which require each bridge to be managed as a separate project with funding not transferrable between individual projects. This requirement is having considerable financial implications and Council is seeking to be able to manage underspends and overspends at a program level.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

9.6 Bega Valley Local Traffic Committee

26/22

RESOLVED on the motion of Crs Porter and Nadin

That Council adopt the recommendations of the Bega Valley Local Traffic Committee (BVLTC) minutes dated 18 February 2022 being;

1. ANZAC Day March & Service 25 April 2022 – Bega, Bemboka and Tathra

- a. That the proposed traffic arrangements for the Bega RSL Sub Branch ANZAC Day March and Service in Bemboka be approved and deemed a Class 1 Special Event.
- b. That the proposed traffic arrangements for the Bega RSL Sub Branch ANZAC Day Dawn Service, March and Service in Bega, ANZAC Day Dawn Service and March and Service in Tathra be approved and deemed a Class 2 Special Event.
- c. That sections of Council roads at Gipps Street and Carp Street in Bega, Loftus Street in Bemboka, Bega Street and the Bega Street service road in Tathra be temporarily closed on Monday, 25 April 2022 for the Bega RSL Sub Branch ANZAC Day proceedings, as per the Traffic Guidance Schemes.
- d. That the temporary closure of the Snowy Mountains Highway, Bemboka is solely for Transport for NSW determination.
- e. Subject to approval of site specific TGS (Traffic Guidance Scheme), previously known as (TCP) Traffic Control Plan.
- f. That the above event organise their own accredited Traffic Control Staff, in accordance with SafeWork NSW and TfNSW guidelines, to implement and manage the relevant TGS.
- g. That the event organiser arranges the pick-up and drop off on any signage used through Council.
- h. That event organisers apply to TfNSW for a Road Occupancy Licence (ROL) for the use of a State Road.
- i. That the event operates strictly under the NSW Health Department COVID19 conditions.
- j. That after the event, organisers are to clean up any rubbish or waste left behind.

2. ANZAC Day March & Service 25 April 2022 – Candelo

- a. That the proposed traffic arrangements for the Candelo RSL Sub Branch ANZAC Day Service on Monday, 25 April 2022 be approved and deemed a Class 2 special event.
- b. That the section of William Street, Candelo between the intersections of Eden Street and

Queen Street be temporarily closed on Monday, 25 April 2022 for the Candelo RSL Sub Branch ANZAC Day Service, in accordance with Traffic Control Plan

- c. Subject to approval of site specific TGS (Traffic Guidance Scheme), previously known as (TCP) Traffic Control Plan.
- d. That the above event organise their own accredited Traffic Control Staff, in accordance with SafeWork NSW and TfNSW guidelines, to implement and manage the relevant TGS.
- e. That the event organiser arranges the pick-up and drop off on any signage used through Council.
- f. That the event operates strictly under the NSW Health Department COVID19 conditions.
- g. That after the event, organisers are to clean up any rubbish or waste left behind.

3. ANZAC Day March & Service 25 April 2022 – Merimbula, Pambula and Wolumla

- a. That the proposed traffic arrangements for the Merimbula RSL Sub Branch ANZAC Day Dawn Service, March and Service in Merimbula on Monday, 25 April 2022 be approved and deemed a Class 2 special event.
- b. That the proposed traffic arrangements for the Merimbula RSL Sub Branch ANZAC Day March and Service in Pambula and Wolumla on Monday, 25 April 2022 be approved and deemed a Class 1 special event.
- c. That sections of Main Street, Market Street and Beach Street, Merimbula and Quondolo Street (Princes Highway), Pambula and Scott and Bega Street in Wolumla be temporarily closed on Monday, 25 April 2022 for the Merimbula RSL Sub-Branch ANZAC Day Dawn Service, March and Service in Merimbula and March and Service in Pambula and Wolumla, in accordance with the Traffic Guidance Schemes.
- d. That the temporary closure of the Princes Highway, Pambula is a matter solely for Transport for NSW Road Occupancy Licence determination.
- e. Subject to approval of site specific TGS (Traffic Guidance Scheme), previously known as (TCP) Traffic Control Plan.
- f. That the above event organise their own accredited Traffic Control Staff, in accordance with SafeWork NSW and TfNSW guidelines, to implement and manage the relevant TGS.
- g. That the event organiser arranges the pick-up and drop off on any signage used through Council.
- h. That event organisers apply to TfNSW for a Road Occupancy Licence (ROL) for the use of a State Road.
- i. That the event operates strictly under the NSW Health Department COVID19 conditions.
- j. That after the event, organisers are to clean up any rubbish or waste left behind.

4. ANZAC Day March & Service 25 April 2022 – Cobargo

- a. That the proposed traffic arrangements for the Cobargo RSL Sub Branch ANZAC Day March on Monday, 25 April 2022 be approved and deemed a Class 1 special event.
- b. That sections of Cobargo Bermagui Road and Tarlinton Street, Cobargo be temporarily closed on Monday, 25 April 2022 for the Cobargo RSL Sub Branch ANZAC Day March, in accordance with Traffic Guidance Scheme.
- c. That the temporary closure of the Princes Highway, Cobargo is solely for Transport for NSW Road Occupancy Licence determination.

- d. Subject to approval of site specific TGS (Traffic Guidance Scheme), previously known as (TCP) Traffic Control Plan.
- e. That the above event organise their own accredited Traffic Control Staff, in accordance with SafeWork NSW and TfNSW guidelines, to implement and manage the relevant TGS.
- f. That the event organiser arranges the pick-up and drop off on any signage used through Council.
- g. That event organisers apply to TfNSW for a Road Occupancy Licence (ROL) for the use of a State Road.
- h. That the event operates strictly under the NSW Health Department COVID19 conditions.
- i. That after the event, organisers are to clean up any rubbish or waste left behind.

5. ANZAC Day March & Service 25 April 2022 – Bermagui

- a. That the proposed traffic arrangements for the Bermagui RSL Sub Branch ANZAC Day March on Monday, 25 April 2022 be approved and deemed a Class 2 special event.
- b. That sections of Lamont Street from Wallaga Street to Pacific Drive, Bermagui be temporarily closed on Monday, 25 April 2022 for the Bermagui RSL Sub Branch ANZAC Day March.
- c. Subject to approval of site specific TGS (Traffic Guidance Scheme), previously known as (TCP) Traffic Control Plan.
- d. That the above event organise their own accredited Traffic Control Staff, in accordance with SafeWork NSW and TfNSW guidelines, to implement and manage the relevant TGS.
- e. That the event organiser arranges the pick-up and drop off on any signage used through Council.
- f. That the event operates strictly under the NSW Health Department COVID19 conditions.
- g. That after the event, organisers are to clean up any rubbish or waste left behind.

6. ANZAC Day March & Service 25 April 2022 – Eden

- a. That the proposed traffic arrangements for the Eden RSL Sub Branch ANZAC Day March on Monday, 25 April 2022 be approved and deemed a Class 2 Special Event.
- b. That sections of Chandos Street, Imlay Street, Bass Street and Calle Calle Street, Eden be temporarily closed on Monday, 25 April 2022 for the Eden Sub Branch ANZAC Day March, in accordance with the Traffic Guidance Scheme.
- c. Subject to approval of site specific TGS (Traffic Guidance Scheme), previously known as (TCP) Traffic Control Plan.
- d. That the above event organise their own accredited Traffic Control Staff, in accordance with SafeWork NSW and TfNSW guidelines, to implement and manage the relevant TGS.
- e. That the event organiser arranges the pick-up and drop off on any signage used through Council.
- f. That the event operates strictly under the NSW Health Department COVID19 conditions.
- g. That after the event, organisers are to clean up any rubbish or waste left behind.

7. Replacing 'No entry' signs with 'Park in Bays Only' – Littleton Gardens, Bega

Council approve the installation of "Park in Bays Only" signage at the northern end of the Zingel Place/Littleton Gardens carpark. Include appropriate line marking for Loading Zone and

Parking.

8. Bishops Lane Bega – Request to move 1 hour parking sign

That Council staff representative is to report back to the next meeting of the LTC with further considerations for this and other similar sites, to allow for a consistent approach and any recommendations for council consideration.

9. New Clause in all Approval Recommendations

The members of the LTC have recommended the following clause be added to all special event approvals moving forward:

“That, as a prerequisite of road closures, the event organisers must notify all, local and interstate bus services along with local taxi services and other affected stakeholders of alternative routes including pick-up/drop-off points and point to point transport”

IN FAVOUR: Crs Nadin, Griff, Seckold, Allen, Porter, Robin and Wright

AGAINST: Crs Fitzpatrick and O'Neil

10. Staff Reports – Business and Governance

03:29 pm Cr Porter left the meeting.

03:35 pm Cr Porter returned to the meeting.

10.1 Half Yearly Report on Implementation of Council's Operational Plan 2021-22

27/22 **RESOLVED on the motion of Crs Allen and Nadin**

Note the progress of the 2021-22 Operational Plan implementation from 1 July 2021 to 31 December 2021 and place Attachment 1 and 2 of this report on Council's website.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

10.2 Certificate of Investment January 2022

28/22 **RESOLVED on the motion of Crs Nadin and Griff**

1. That Council receive and note the report on Council's investment position as at 31 January 2022.

2. That Council notes the certification of the Responsible Accounting Officer.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

10.3 Review of Councillor misconduct framework

29/22 **RESOLVED on the motion of Crs Griff and Robin**

1. That Council resolve to make a submission on the Office of Local Government's Councillor conduct accountability in NSW local government consultation paper.

2. That Council delegate the responsibility of making the submission to the Acting Chief Executive Officer (CEO).

3. That Council note individuals can make their own submissions during this consultation period.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

10.4 Register of Delegations Part 1 - Delegations from Council to CEO, Mayor and Committees

30/22 **RESOLVED on the motion of Crs Seckold and Robin**

That Council adopt the Register of Delegations to the Mayor, Chief Executive Officer and Committees attached to the report.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

10.5 Opportunity for adjustment to the 2022-23 rate peg

31/22 **RESOLVED on the motion of Crs Allen and Nadin**

That Council:

1. Resolve the CEO makes an immediate application under the Additional Special Variation (ASV) one-off process for the 2022-23 financial year to ensure the percentage increase in rating revenue is 2.5%, applied permanently to the rate base as specified in the modelling and adopted in the Long Term Financial Plan.
2. Receive a further report from the CEO once an application determination has been received from IPART.
3. Participate in the IPART review of the rate peg methodology, including the Local Government Cost Index and advocate for further analysis into the new population growth component.
4. Support the preparation of the next suite of Integrated Planning and Reporting on the assumption that the 2.5% increase will be approved.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

11. Councillor Reports

There were no Councillor Reports.

12. Rescission/Alteration Motions

There were no Rescission/Alteration Motions

13. Notices of Motion

There were no Notices of Motion.

14. Questions with Notice

There were no Questions with Notice.

15. Questions without Notice

15.1 Update on the progress of the kerbside waste collection rollout in rural areas

Cr Allen asked for an update on the progress of the kerbside waste collection rollout in rural areas, particularly around Cobargo and advise on the feasibility of reopening the Cobargo tip permanently.

Director Assets and Operations, Ian Macfarlane advised Staff acknowledge that the project has suffered various delays, with challenges encountered from working with various stakeholders. Waste project management staff are currently working with the Council's Roads, Projects, Assets and Revenue teams, and Council's Collections Contractor, Cleanaway, to ensure all project aspects are well considered and agreed. This includes evaluating the cost to install bin banks versus investing in road upgrades or road maintenance. Currently, staff are reviewing the road maintenance hierarchy with respect to access for Cleanaway trucks, while also auditing property data, which has been significantly altered following the destruction of eligible occupied dwelling during the fires. It is likely that many rural properties destined to receive bins can actually be serviced at their driveway/kerbside, as opposed to via a bin bank. This is an excellent outcome, and these kerbside services will be targeted first as part of the rollout, which is expected to commence in July.

The EPA are generally unsupportive of re-opening/creation of transfer station sites, but that shouldn't be the deciding factor.

We need to consider the initial cost to Council of building a new facility at the site, which needs to be extensively remediated first, as well as the ongoing lifecycle costs of the asset (including operations and maintenance expenses).

Considering the size of the population that the site would serve, per capita it would likely be a poor investment. Our Waste Strategy concentrates on consolidation of sites (a direction which was extensively communicated to the community and adopted by Council in 2018), and this was again endorsed in February 2021 by Councillors.

15.2 Update on plans to rehabilitate the contaminated former Eden sewer site

Cr Nadin asked for an update on plans to rehabilitate the contaminated former Eden sewer site.

Director Assets and Operations, Ian Macfarlane took the question on notice.

15.3 Expanding business FOGO to those businesses that don't have kerbside collection

Cr Wright asked will business FOGO be expanded to those businesses that don't have kerbside collection.

Director Assets and Operations, Ian Macfarlane took the question on notice.

16. Confidential Business

There was no Confidential Business.

17. Noting of Resolutions from Closed Session

There were no Noting of Resolutions from Closed session.


18. Declassification of reports considered previously in closed session

There were no Declassification of reports considered previously in closed session.

Closure

There being no further business, the Chairperson closed the meeting at 03:57pm.

Confirmed


(digitally signed)

Chairperson of the meeting of the Bega Valley Shire Council held on Wednesday, 16 March 2022.