

Ordinary Meeting Minutes

Held on Wednesday, **7 May 2014**

at Council Chambers, Bega commencing at 2.00 pm

PRESENT

Cr Bill Taylor, Mayor
Cr Russell Fitzpatrick, Deputy Mayor
Cr Tony Allen
Cr Michael Britten
Cr Keith Hughes
Cr Ann Mawhinney
Cr Kristy McBain
Cr Liz Seckold

IN ATTENDANCE

General Manager, Ms Leanne Barnes
Group Manager Infrastructure, Waste and Water, Mr Wayne Sartori
Acting Group Manager Planning and Environment, Mr Keith Tull
Acting Group Manager Community and Relationships, Mr Simon Schweitzer
Business and Technology Manager, Mr Lucas Scarpin
Workforce and Administration, Manager, Ms Nina Churchward
Minute Secretary, Ms Janelle Curtis

Acknowledgement of Traditional Owners of Bega Valley Shire

I would like to commence by acknowledging, on behalf of Bega Valley Shire Council, the Traditional Owners of the lands and waters of the shire – the people of Yuin and Monaro nations and show our respect to elders past and present.

1. Confirmation of Minutes

- 79/14 RESOLVED on the motion of Crs Mawhinney and Seckold
That the Minutes of the Ordinary Meeting held on 16 April 2014 as circulated, be taken as read and confirmed.
- IN FAVOUR: Crs Taylor, Britten, McBain, Hughes, Seckold, Mawhinney, Allen and Fitzpatrick
- AGAINST: Nil
- ABSENT: Cr Tapscott

2. Apologies

- 80/14 RESOLVED on the motion of Crs Allen and Seckold
That an apology from Cr Tapscott be accepted for her inability to attend the meeting
- IN FAVOUR: Crs Taylor, Britten, McBain, Hughes, Seckold, Mawhinney, Allen and

8.1

Pambula and South Pambula Urban Land Review-outcomes and recommendations

The Chairperson sought advice from the Acting Group Manager Planning and Environment regarding matters that raised in the address to Council required deferment of the matter.

Advice was given that if the matter was dealt with today and if agreed by the Minister for Planning, there would be an exhibition of the subject properties identified in accordance with the adopted recommendations.

RESOLVED on the motion of Crs Allen and Fitzpatrick
That the matter be dealt with today.

IN FAVOUR: Crs Taylor, Britten, McBain, Mawhinney, Allen and Fitzpatrick

AGAINST: Crs Hughes and Seckold

ABSENT: Cr Tapscott

RESOLVED on the motion of Crs Fitzpatrick and Taylor
That the items be dealt with separately.

IN FAVOUR: Crs Taylor, Britten, McBain, Seckold, Mawhinney, Allen and Fitzpatrick

AGAINST: Nil

ABSTAINED: Cr Hughes

ABSENT: Cr Tapscott

RESOLVED on the motion of Crs Fitzpatrick and Allen
That Council make the following amendments to Bega Valley Local Environmental Plan 2013:

1. Lots 1 and 2 DP68708, Lots 102 and 103 DP734647, Lots 16-22 DP792850, Lots 10-13 DP1114693, Lots 1-3, 10, 12-14, 15-19 Section 14 DP758825, Lot 1 DP198435, Lot 23 DP803543, Lots 8 and 9 DP997160 and Lot 10 DP734647 be zoned R2 Low Density Residential with a minimum allotment size of 550m².

IN FAVOUR: Crs Taylor, Britten, McBain, Seckold, Mawhinney, Allen and Fitzpatrick

AGAINST: Cr Hughes

ABSENT: Cr Tapscott

RESOLVED on the motion of Crs Fitzpatrick and Allen
That Council make the following amendments to Bega Valley Local Environmental Plan 2013:

2. Lot 529 DP1007936, Lots 1-3, 16-19 Section 45 DP758825 and Lots 1-4, 19-22 Section 46 DP758825 be zoned E4 Environmental Living with a 2 hectare minimum allotment size.

IN FAVOUR: Crs Taylor, Britten, McBain, Hughes, Mawhinney, Allen and Fitzpatrick

AGAINST: Cr Seckold

ABSENT: Cr Tapscott

RESOLVED on the motion of Crs Fitzpatrick and Allen

That Council make the following amendments to Bega Valley Local Environmental Plan 2013:

3. Lots 1 and 2 DP197622, Lots 1 and 2 DP997328, Lots 1 and 2 DP195811, Lot 15 DP1022752, Lot 1 DP794830, Lots 1 and 2 DP794726, Lot 533 DP849212, Lot 510 & 511 DP877207, Part Lot 11 and Lot 12 DP1076297 and Part Lot 321 DP1098908 identified in Map 4 as Area 3 be rezoned to part RU2 Rural Landscape and part R2 Low Density Residential. Those lands to be zoned R2 shall have the Floor Space Ratio Maps be amended to incorporate 0.5:1 and Minimum Allotment Size Maps be amended to incorporate a minimum allotment size of 550m².

IN FAVOUR: Crs Taylor, Britten, McBain, Hughes, Seckold, Mawhinney, Allen and Fitzpatrick

AGAINST: Nil

ABSENT: Cr Tapscott

RESOLVED on the motion of Crs Fitzpatrick and Allen

That Council make the following amendments to Bega Valley Local Environmental Plan 2013:

4. Lot 302 DP749405 be zoned part R5 Large Lot residential with a 3,000m² minimum allotment size and E4 Environmental Living with a 2 hectare minimum allotment size.

IN FAVOUR: Crs Taylor, Britten, McBain, Hughes, Seckold, Mawhinney, Allen and Fitzpatrick

AGAINST: Nil

ABSENT: Cr Tapscott

RESOLVED on the motion of Crs Fitzpatrick and Allen

That Council make the following amendments to Bega Valley Local Environmental Plan 2013:

5. Lot 9 DP700570 and Lot 10 DP563110 be zoned R2 Low Density Residential, that the Floor Space Ratio Map be amended so both allotments reflect a ratio of 0.5:1 and that the Minimum Allotment Size Map be amended so both allotments have a minimum allotment size of 550m².

IN FAVOUR: Crs Taylor, Britten, McBain, Seckold, Mawhinney, Allen and Fitzpatrick

AGAINST: Cr Hughes

ABSENT: Cr Tapscott

RESOLVED on the motion of Crs Fitzpatrick and Allen

That Council make the following amendments to Bega Valley Local Environmental Plan

2013:

6. Lots 451-453 DP747031 and Part Lot 1 DP 1088971 be zoned E4 Environmental Living with a 1 hectare Minimum Allotment Size, noting the ability of have lot averaging.

IN FAVOUR: Crs Taylor, Britten, McBain, Seckold, Mawhinney, Allen and Fitzpatrick

AGAINST: Cr Hughes

ABSENT: Cr Tapscott

RESOLVED on the motion of Crs Fitzpatrick and Allen

7. That Council proceed with a Planning Proposal for those lands identified above as Areas 1 to 6, and, if agreed by the Minister for Planning, exhibit the subject properties identified in accordance with the adopted recommendations.

IN FAVOUR: Crs Taylor, Britten, McBain, Seckold, Mawhinney, Allen and Fitzpatrick

AGAINST: Cr Hughes

ABSENT: Cr Tapscott

RESOLVED on the motion of Crs Fitzpatrick and Allen

8. That Council notify the owner of Lot 711 DP 1128593 that they do not support a rezoning to R5, however Council does support in principle a E4 Environmental Living zone with the Minimum Allotment Size to be determined by the Planning Proposal process.

IN FAVOUR: Crs Taylor, Britten, McBain, Seckold, Mawhinney, Allen and Fitzpatrick

AGAINST: Cr Hughes

ABSENT: Cr Tapscott

83/14

RESOLVED on the motion of Crs Fitzpatrick and Allen

1. That Council make the following amendments to Bega Valley Local Environmental Plan 2013:
- 1.1. Lots 1 and 2 DP68708, Lots 102 and 103 DP734647, Lots 16-22 DP792850, Lots 10-13 DP1114693, Lots 1-3, 10, 12-14, 15-19 Section 14 DP758825, Lot 1 DP198435, Lot 23 DP803543, Lots 8 and 9 DP997160 and Lot 10 DP734647 be zoned R2 Low Density Residential with a minimum allotment size of 550m².
 - 1.2. Lot 529 DP1007936, Lots 1-3, 16-19 Section 45 DP758825 and Lots 1-4, 19-22 Section 46 DP758825 be zoned E4 Environmental Living with a 2 hectare minimum allotment size.
 - 1.3. Lots 1 and 2 DP197622, Lots 1 and 2 DP997328, Lots 1 and 2 DP195811, Lot 15 DP1022752, Lot 1 DP794830, Lots 1 and 2 DP794726, Lot 533 DP849212, Lot 510 & 511 DP877207, Part Lot 11 and Lot 12 DP1076297 and Part Lot 321 DP1098908 identified in Map 4 as Area 3 be rezoned to part RU2 Rural Landscape and part R2 Low Density Residential. Those lands to

be zoned R2 shall have the Floor Space Ratio Maps be amended to incorporate 0.5:1 and Minimum Allotment Size Maps be amended to incorporate a minimum allotment size of 550m².

- 1.4. Lot 302 DP749405 be zoned part R5 Large Lot residential with a 3,000m² minimum allotment size and E4 Environmental Living with a 2 hectare minimum allotment size.
- 1.5. Lot 9 DP700570 and Lot 10 DP563110 be zoned R2 Low Density Residential, that the Floor Space Ratio Map be amended so both allotments reflect a ratio of 0.5:1 and that the Minimum Allotment Size Map be amended so both allotments have a minimum allotment size of 550m².
- 1.6. Lots 451-453 DP747031 and Part Lot 1 DP1088971 be zoned E4 Environmental Living with a 2 hectare Minimum Allotment Size.
2. That Council proceed with a Planning Proposal for those lands identified above as Areas 1.1 to 1.6, and, if agreed by the Minister for Planning, exhibit the subject properties identified in accordance with the adopted recommendations.
3. That Council notify the owner of Lot 711 DP1128593 that they to do not support a rezoning to R5, however Council does support in principle a E4 zone with a lot size of between 5-10ha.

8.2 Erection of a dwelling and attached garage - Lot 10 DP 1008234, 3 Kookaburra Court, Tura Beach

Cr McBain declared a pecuniary interest regarding Item 8.2 Erection of a dwelling and attached garage - Lot 10 DP 1008234, 3 Kookaburra Court, Tura Beach, on the basis that she is the owner of the land. She departed the meeting room, taking no part in debate or voting on this item.

03:02 pm Cr McBain left the meeting.

84/14 RESOLVED on the motion of Crs Allen and Hughes

That Development Application No. 2014.98 for the construction of a dwelling house and attached garage at Lot 10 DP 1008234, 3 Kookaburra Court, Tura Beach be approved subject to conditions as outlined in the draft consent attached to this report.

IN FAVOUR: Crs Taylor, Britten, Hughes, Seckold, Mawhinney, Allen and Fitzpatrick

AGAINST: Nil

ABSENT: Crs McBain and Tapscott

03:02 pm Cr McBain returned to the meeting.

9. Staff Reports – Community and Relationships (Liveability)

In accordance with Council's Code of Meeting Practice, Councillor Seckold assumed the chair for this section of the agenda.