

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/06



held on Wednesday, 31 January 2007

The meeting commenced at 3.10pm.

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 31 January 2007

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 31 January 2007



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- COMMENCING AT:** 3.06PM
- PRESENT:** Acting Mayor, Clr NN Campbell-Jones in the Chair, Clr J R Clark, Clr T D Gair, Clr P A George, Clr M L King, Clr J E Mauger, Clr M J Murray, Clr S H Murray, Clr P B Tuddenham and Clr P Yeo
- IN ATTENDANCE:** General Manager, Director Corporate Services, Director Environment & Planning, Director Technical Services, Manager Administration Services and Administration Officer (AOR)
-

PRAYER

100/1

The meeting was opened in prayer led by Reverend Robyn Triglone of Mittagong Uniting Church.

APOLOGY

PERS

MN 1/07

MOTION moved by Clr T D Gair and seconded by Clr S H Murray:

THAT the apologies of Clr G Lewis and Clr LAC Whipper be accepted and leave of absence granted.

PASSED

PUBLIC FORUM

It was advised that Mr Paul Oates of Woolworths was caught in traffic and would not be present at the appointed time to attend the Public Forum. It was requested that Council defer this matter until later in the meeting when Mr Oates was in attendance.

Council agreed with this request.

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 13 DECEMBER 2006

100/1, 101/5

MN 2/07

MOTION moved by *Clr P J Yeo* and seconded by *Clr M Murray*:

THAT the Ordinary Meeting of Council held on Wednesday, 13 December 2007 MN 430/06 to MN 469/06 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting with the following notation to Item o-CS1 – Councillors’ Payment of Expenses and Provision of Facilities to the Mayor & Councillors.

The General Manager, Mike Hyde requested that the following wording be added to Item o-CS1 as follows:

Clr M Murray enquired as to why the draft policy for “Payment of Expenses and Provision of Facilities to the Mayor & Councillors” proposed a cap on expenditure for mobile and landline charges incurred by Councillors.

The Director Corporate Services responded that as previously advised to Councillors, the guidelines issued by the Department of Local Government (which were circularised to Councillors) contain the following recommendation:

“Limits

The payment of expenses and the provision of equipment and facilities to councillors should not be open-ended. Councils must agree and set monetary limits to all expense provisions in their policy where practicable and where appropriate, as well as standards for the provision of equipment and facilities provided to councillors.”

PASSED

BUSINESS ARISING

1. C-NRM2 21/2006 – NOTICE OF MOTION OF RESCISSION – VOTING BY WARD 100/5, 106

Clr T D Gair stated that at the Ordinary Meeting of Council held on Wednesday, 22 November 2006 a Notice of Motion was passed in relation to the introduction of wards recommending that the matter be deferred for consideration at today's Council meeting. However it was not included in the agenda for this meeting and he asked that this matter be deferred for consideration at the Ordinary Meeting of Council to be held on Wednesday, 7 February 2007.

2. 9 LOT SUBDIVISION AT "THE HILL", MIDDLE ROAD, EXETER LUA05/1160
107/23

Clr M Murray referred to the above item on Page 29 of the minutes. He asked if the Director Environment & Planning had made a determination on this matter as he understood that the minutes reflected certain items that were to be considered. He believed there was also some concern about the design of the carriageway onto Middle Road - some engineering issues that were not reflected in the minutes. Council needed to ensure that there was sufficient room for garbage trucks to enter the carriageway and to turn around at the top.

The Director Environment & Planning responded that he had not yet made a determination but the interface between Middle Road and the carriageway is certainly part of the engineering plans that we are seeking from the applicant. It is a more complex issue than at first thought which is why it has not been resolved as yet and a number of different options are being looked at to get the best outcome for the site, the applicant and Exeter.

DECLARATIONS OF INTEREST

101/3

Clr S H Murray declared a non-pecuniary interest in Item c-NRM3 03/2007 – Notice of Motion of Rescission – Kangaloon Borewater Extraction as she is a member of the Board of the Sydney Catchment Authority. She stated that would remain in the chamber when this matter was discussed but would refrain from voting. Clr Murray added that she had held preliminary discussions on this matter with the Director Corporate Services who believed it was appropriate that after declaring a non-pecuniary interest Clr Murray's vote would simply not be counted rather than being classed as a negative vote.

OPEN COUNCIL

MN 3/07

107/10

MOTION moved by Clr M Murray and seconded by Clr P George:

THAT Council move into Open Council to discuss various matters listed in the Agenda with Clr N N Campbell-Jones in the Chair.

PASSED

VISITOR ITEMS

ENVIRONMENT & PLANNING DIVISION

v-EP1 Reporting on development of a Council Environment Policy

REF.	EHM	5465/29.2
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The purpose of this report is to advise Council of the development of an organisational Environment Policy and to seek Council's imprimatur to adopt the policy.

Council's Environment & Health Manager, Mr Andrew De Montemas, addressed Council on this matter.

OC 1/07

The Committee on a MOTION moved by Clr J Clark and seconded by Clr P George **RECOMMENDED:**

1. **THAT the proposed Environment Policy be adopted by Council subject to the suggested change to the objective being reviewed in that "preventing and minimising adverse environmental effects" be an objective in lieu of "reduced environmental impacts".**
2. **THAT the policy be considered and reported on in the preparation of future Council projects and reports.**
3. **THAT the policy be included in the Council Policy Manual.**
4. **THAT the policy be made available to our staff and community through the intranet and Council web site.**

PASSED

v-EP2	Reporting on WSC Sustainability Indicators
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REF.	EHM	5455
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The purpose of this report is to advise Council of the development of a set of sustainability indicators for the Shire and to seek Council's imprimatur to publish the indicators as part of the community environmental education program under WOFE.

Council's Environment & Health Manager, Andrew De Montemas addressed Council on this matter.

OC 2/07

The Committee on a MOTION moved by Clr J Clark and seconded by Clr M King
RECOMMENDED:

1. **THAT Council endorses the use of the selected indicators as a measure of the Shire's sustainability**
2. **THAT Council endorses the publication of these indicators to raise community awareness.**
3. **THAT Council endorses the annual review and update of the indicators.**

PASSED

PUBLIC FORUM

c-NRM1 01/2007 – NOTICE OF MOTION OF RESCISSION - S96 TIMING OF ROADWORKS ASSOCIATED WITH HIGHLANDS MARKET PLACE (BIG W)
100/5, LUA04/1134

Mr Paul Oates of Woolworths Ltd requested and was granted permission to address Council on the above item in the agenda:

The Acting Mayor, Clr N N Campbell-Jones thanked Mr Oates for his comments which would be taken in account when this matter was considered later in the meeting.

TECHNICAL SERVICES DIVISION

v-TS1	Service Level Agreement – Department of Commerce
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REF: MBW	7799/15
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Reporting on the Service Level Agreement for Occupational Liability in conjunction with the Department of Commerce.

Council's Sewerage Project Officer Mark Williams addressed Council on this matter.

OC 3/07

The Committee on a MOTION moved by Clr T D Gair and seconded by Clr P B Tuddenham
RECOMMENDED:

THAT the General Manager be granted authority to execute the Service Level Agreement with the Department of Commerce for project management services to procure major water supply and sewerage infrastructure on behalf of Council subject to clarification of the term "occupational liability" to the satisfaction of the General Manager.

PASSED



OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

o-EP1 Development Consents Under Delegated Authority

REF: DCM

5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 6/12/06 and 23/1/07.

OC 4/07

The Committee on a MOTION moved by Clr T D Gair and seconded by Clr P B Tuddenham
RECOMMENDED:

THAT the information relating to Development Consent Nos 1-18 under Delegated Authority be received and noted.

PASSED

Matters Arising from Development Consents under Delegated Authority

1. VINEYARD & OLIVE GROVE "DARVY PARK", TUGALONG ROAD, CANYONLEIGH LUA06/0876

Clr M Murray referred to Item 15 and asked for clarification on whether this is the vineyard and olive grove that is built on a right of way

The Director Environment & Planning stated that he would provide information in the Weekly Circular.

2. PROPOSED EXTENSIONS TO EXISTING BAPTIST CHURCH, MERRIGANG STREET, BOWRAL LUA06/0392

Clr P Yeo referred to Item 3 and asked if this had been resolved with the retention of the 8 parking spaces.

The Director Environment & Planning stated he would confirm this matter for Clr Yeo.

o-EP2 List of Development Applications Received by Council

REF: DCM

5302

Submitting list of development applications which have been received between 6/12/06 and 23/1/07, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

OC 5/07

The Committee on a MOTION moved by Clr T D Gair and seconded by Clr P George
RECOMMENDED:

THAT the information regarding the List of Land Use Applications Nos 1-44 received by Council be received and noted.

PASSED

Matters Arising from Development Applications received by Council

1. RENOVATIONS TO PROVIDE ADDITIONAL RETAIL SPACES TO EMPIRE WALK ARCADE LUA06/1405

Clr P Yeo referred to Item 13 and asked that before this matter goes to the Works & Planning Committee and the Bowral Sub-Regional Centre Master Plan Committee both these committees be supplied with the history of the creation of the arcade alongside the Empire Theatre – i.e. who donated the land for the arcade to be constructed. It is not a very wide arcade and Clr Yeo believed that both these committees would be influenced by the history behind it.

The Director Environment & Planning stated that he would provide this information to the Works & Planning Committee and the Bowral Sub-regional Centre Master Plan Committee.

Clr P George asked if the Works & Planning Committee could also look at the wheelchair accessibility issues involved with this development.

2. RETAIL SHOP, 3 CHURCH STREET, BUNDANOON LUA06/1377
ADDITION TO SHOPS, 1 CHURCH STREET, BUNDANOON LUA06/1378

Clr J Clark and Clr M King referred to items 7 and 8 and asked for more information on these developments.

The Director Environment & Planning stated that he would provide this information via the Weekly Circular.



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3. INTERNAL REFURBISHMENT OF EXISTING COLES SUPERMARKET
BOOLWEY STREET, BOWRAL LUA06/1427

Clr J Clark referred to Item 18 and asked if it was proposed to relocate the entrance to Boolwey Street as this had created some problems when it was previously suggested.

-
4. DEMOLITION OF EXISTING BUILDINGS, MASONIC LODGE AND
HALL AND EXISTING DWELLING, 2 PRINCES ST, MITTAGONG LUA07/0005

Clr J Clark referred to Item 26 and asked if there were any heritage issues involved with this development.

The Director Environment & Planning stated that he would advise via the Weekly Circular.

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5. LOCAL RURAL INDUSTRY – TIMBER WASTE RECYCLING
SALLY'S CORNER, EXETER LUA06/1388

Clr M Murray referred to Item 10 and requested more details on this development.

The Director Environment & Planning stated that he would provide these details in the Weekly Circular.

-
6. ALTERATIONS TO MCDONALDS RESTAURANT, BOWRAL ROAD,
MITTAGONG LUA06/1440

Clr M Murray referred to Item 22 and stated that if the alterations involve anything pertaining to the signage the matter should be referred to the Works & Planning Committee.

The Director Environment & Planning stated that he would include these details in the Weekly Circular.

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7. 4 LOT SUBDIVISION – MITTAGONG MARKET PLACE LUA07/0034

Clr M Murray referred to Item 32 and asked for more details on this subdivision.

The Director Environment & Planning stated that he would provide information via the Weekly Circular.



9. MITTAGONG MARKET PLACE SHOP FITOUT

LUA07/0006

Clr T D Gair referred to Item 27 and asked if all the shop owners had been required to submit Development Applications for their fitouts.

The Director Environment & Planning advised that all the initial occupations required a DA to be submitted and virtually all the applicants had now received approval.

10. WASTE LIQUID SEPARATOR AND WASH BAY FACILITY -
ETHERIDGE STREET, MITTAGONG

LUA06/1452

Clr P B Tuddenham referred to Item 23 and requested more information on this development.

The Director Environment & Planning stated that he would provide these details via the Weekly Circular.

o-EP3 Land Use Applications Received

REF: DCM

5302

Submitting list of Land Use applications received under delegated authority of the Director of Environment & Planning for the month of August 2006.

OC 6/07

The Committee on a MOTION moved by Clr T D Gair and seconded by Clr M Murray
RECOMMENDED:

THAT the information regarding the List of Land Use Applications Received by Council for the month of December 2006, be received and noted.

PASSED

o-EP4 NSW Food Regulation Partnership

REF: EHM

5401/3

This is an information report on the proposed model for the NSW Food Regulation Partnership between the State and Local Government. The report is to raise Councillor awareness of proposed legislation changes which can impact on Council services and resources.

OC 7/07

The Committee on a MOTION moved by Clr P J Yeo and seconded by Clr T D Gair
RECOMMENDED:

1. **THAT the information be noted in the lead up to proposed legislation changes**
2. **THAT on adoption of the proposed legislation changes, a further report be submitted for Council to consider the adoption of a service 'Category' level.**
3. **THAT on adoption of a service 'Category' level, relevant fees and charges be reviewed in accordance with Council's revenue policy review.**

PASSED

o-EP5 Deed of Agreement Signature

REF: DEP (SPM)

5701/9, 6535/1, PN 774400

This report requests the seal of Council on a deed of agreement between Thiessen and Council regarding land at Horderns Road, East Bowral.

OC 8/07

The Committee on a MOTION moved by Clr M Murray and seconded by Clr P George
RECOMMENDED:

1. **THAT Council supports the rezoning of part of Lot 8 DP 1416 off Horderns Road East Bowral from 6(d) Proposed Recreation Reservation zone and 5(a) Special Uses Reservoir to R5 Large Lot Residential zone, AND THAT this rezoning form part of the Shirewide LEP.**
2. **THAT Council delegates authority to the Mayor and General Manager to enter into a suitable deed of agreement with the land owners under the Common Seal of Council.**

PASSED

o-EP6 Potential Land Release Sites

REF: SPM

5602/13

Reporting on the criteria for the selection and assessment of potential urban land release areas.

OC 9/07

The Committee on a MOTION moved by Clr T D Gair and seconded by Clr P J Yeo
RECOMMENDED:

THAT the process for selecting other potential urban land release areas be considered by the LEP Steering Committee.

PASSED

CHAIRPERSON

At 4.30pm being the conclusion of Open Council, the Acting Mayor, Cllr N N Campbell-Jones, remained in the chair to conduct the remainder of Council business.

o- EP7 Wingecarribee Housing Strategy Group Membership

REF: SPM, AOR

5600/8, 1823

Reporting on proposed changes to the Wingecarribee Housing Strategy Group Membership.

MN 4/07

MOTION moved by Cllr P George and seconded by :

1. **THAT** Council endorses an amendment to the Terms of Reference of the Wingecarribee Housing Strategy Group to include two (2) Councillor representatives and ten (10) member participants (two of which may be nominated by Argyle Housing) **AND THAT** Rod Aistrope be endorsed as an alternate delegate for Argyle Housing.
2. **THAT** Mr Desmond Kennard, a member of the Economic Development Committee, be appointed as an alternative community representative to participate on the Housing Strategy Group.
3. **THAT** Council endorses as members of the Wingecarribee Housing Strategy Group.
 - Councillor N N Campbell-Jones
 - Councillor J Mauger
 - Brian Murnane, Executive Manager Development, Argyle Housing
 - Lesley Oatley, Executive Manager Administration Argyle Housing
 - Michael Oelofse, Senior Policy Officer, Centre for Affordable Housing.
 - Donald Proctor, Director Resource Planning Greater Western Sydney
NSW Housing
 - Carl Pemberton, Economic Development Officer
 - Member of the Economic Development Committee
 - Mark Pepping Manager Strategic Planning
 - Margo McClelland, Social Planner

 - Rod Aistrope, Board member Argyle Housing (Alternate Delegate)
 - Desmond Kennard, Economic Development Committee (Alternate Delegate)

PASSED



o-EP8 Companion Animal Legislation Amendments

REF: EHM

5500/4

Reporting on amendments to the *Companion Animals Act 1998* and the *Companion Animals Regulation 1999*.

MN 5/07

MOTION moved by Cllr M Murray and seconded by Cllr M King:

1. **THAT** the information relating to the legislation amendments be noted.
2. **THAT** Council charges the fee prescribed in the *Companion Animals Regulation 1999* for the issuing of certificates of compliance, as referred to in s58H of the *Companion Animals Act 1998*.
3. **THAT** the prescribed fee listed in Recommendation 2 be included in Council's Revenue Policy and that an advertisement be placed in the Local paper advising of the fact.
4. **THAT** Council sends written advice to owners of existing dangerous and restricted dogs, informing them of the changes to the legislation, the requirement for them to obtain a compliance certificate for the required dog enclosure, and Council's intention to charge the prescribed fee set by the regulation for the issuing of these certificates.
5. **THAT** Council provides information through "Wingecarribee Today" and other media strategies to inform the public of the changes to the legislation.

PASSED

o-EP9 24 Lot Subdivision involving Joadja Heritage Conservation Area

REF: DCM

LUA06/0994

The purpose of this report is to provide information to Council in relation to LUA06/0994 and in turn seek endorsement from Council for the preferred path for the remainder of the assessment process for this complex and challenging application.

MN 6/07

MOTION moved by Clr M Murray and seconded by Clr M King:

1. ***THAT Council indicates to the applicant its support in principle for his efforts to secure the future of the Joadja Conservation Area through the establishment of a Heritage Conservation Trust funded through appropriate and sustainable development of adjoining land.***
2. ***THAT Council invites the applicant to continue to work with staff to address the outstanding legal, planning, heritage and environmental issues associated with securing an appropriate and sustainable development for the subject lands and that a comprehensive assessment report of LUA06/0994 be presented to Council at its next meeting on Wednesday, 14 February 2007 with draft conditions of development consent.***
3. ***THAT the applicant be requested to provide further details on the operation of the proposed Trust including membership, priorities for expenditure and administration responsibilities.***
4. ***THAT an information session on this matter be held on Wednesday, 7 February 2007.***

PASSED

Dissenting vote: Clr J Clark requested that his dissenting vote be recorded in respect of this motion.

o-EP10 Community Assistance Scheme 2007/8

REF: SPM

1870/2007

This report outlines proposed minor changes to the application form and guidelines for the 2007/8 Wingecarribee Community Assistance Scheme. The changes are proposed in order to simplify the process for applicants and to streamline administration of the Scheme. The report also proposes the timetable for the 2007/8 Scheme.

MN 7/07

MOTION moved by Cllr P J Yeo and seconded by Cllr P George:

1. ***THAT*** the proposed amendments to the application form and guidelines for the Wingecarribee Community Assistance Scheme 2007/8 be adopted.
2. ***THAT*** the proposed timetable for the Wingecarribee Community Assistance Scheme 2007/8 be adopted.

PASSED

CORPORATE SERVICES DIVISION

o-CS1	Future Use of Bowral Courthouse
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REF: DCS	1430/2
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Reporting on the possible future use of Bowral Courthouse

MN 8/07

MOTION moved by Clr M King and seconded by Clr M Murray:

THAT this matter be referred to the Arts & Culture Board for consideration.

PASSED

o-CS2	Moss Vale Show – Request For Financial Assistance – 2007 Arena Spectacular
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REF: MAS	2155/1 & 6601/1
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Reporting on a request from the Moss Vale and District A H & I Show Society Inc for financial support from Council for the 2007 Arena spectacular.

MN 9/07

MOTION moved by Clr P J Yeo and seconded by Clr M King:

THAT Council donates \$1,000 from the Contingency Vote towards the celebration of The Waltzing Matilda Story – Arena Spectacular 2007 AND THAT the Moss Vale Show Society be made aware of other State and Local Government funding options.

AMENDMENT moved by Clr P George and seconded by Clr T D Gair:

THAT Council donates \$2,000 from the contingency vote towards the celebration of The Waltzing Matilda Story – Arena Spectacular 2007 AND THAT the Moss Vale Show Society be encouraged to submit an application for a community grant.

LOST

MOTION PASSED

REPORT OF DIRECTOR CORPORATE SERVICES

o-CS3 Pensioner Rate Rebate Claim Number 134

REF: FSM

2211/2006

Submitting a report on the details of amounts written off and amounts to be claimed from the Department of Local Government for pensioner rates rebates granted on general rates, garbage accounts, water and sewerage accounts from 1 September 2006 to 31 December 2006.

MN 10/07

MOTION moved by Cllr M Murray and seconded by Cllr P J Yeo:

1. **THAT Council authorises the abandonment of \$179,368.88 for the Pensioner Rebate Claim Number 134.**
2. **THAT \$98,652.88 be claimed from the State Government.**

PASSED

o-CS4 Council Meeting Dates

REF. MAS

100/1

Reporting on proposed changes in Council meeting date for April 2007.

MN 11/07

MOTION moved by Cllr P B Tuddenham and seconded by Cllr J Mauger:

THAT the Ordinary meeting of Council scheduled for Wednesday, 25 April 2007 be transferred to Thursday, 26 April 2007 commencing at 6.00pm.

PASSED

REPORT OF DIRECTOR CORPORATE SERVICES

c-CS5	Proposed Classification of Land at Hill Top – Mittagong Regional Sewerage Scheme
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REF.	PLO	PN1725640 & 7624/1
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Reporting on the proposed classification of Lot 10 DP 1038354 at Hill Top as operational land.

MN 12/07

MOTION moved by Clr M Murray and seconded by Clr P George:

THAT Council resolves to classify the land Lot 10 DP 1038354 at Hill Top as operational land.

PASSED

o-CS7	Restriction of Access to Information - Legal Advice
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REF.	MAS	201/2.1
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For Council to review a decision to restrict access to particular information.

MN 13/07

MOTION moved by Clr M Murray and seconded by Clr J Clark:

THAT Council confirms its decision not to approve access to the applicant as it is not in the Public Interest to release such information on the basis of legal professional privilege, due to the possibility of litigation being taken to resolve this matter.

PASSED

o-CS8	Resource Sharing Arrangement with Shellharbour City Council
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REF.	DCS	820/1
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Reporting on a proposal to enter into a resource sharing arrangement with Shellharbour City Council for the provision of payroll services to Wingecarribee Shire Council.

MN 14/07

MOTION moved by Clr M Murray and seconded by Clr T D Gair:

1. **THAT Council endorses the proposal to outsource Council's payroll services to Shellharbour City Council under a shared services arrangement.**
2. **THAT Council confirms the amendment of Council's Organisation Structure to remove the positions of Payroll Controller and Payroll Assistant, and note the redeployment of resources in technical services.**

PASSED

Dissenting vote: Clr J Clark requested that his dissenting vote be recorded in respect of this motion.

QUESTIONS FROM THE PUBLIC

QUESTIONS FROM THE PUBLIC

1. ENVIRONMENT POLICY 107/25, 5465/29.02

Mrs Pam Cooper referred to page 8 of the Environment Policy relating to preventing and minimising the effects of developments and asked when this policy would come into effect.

The General Manager stated that it was effective from the date of adoption of the policy.

2. GREY WATER RECYCLING/INTRODUCTION OF WATER TANKS 7799/5, 5405

Mrs Pam Cooper asked if Council had considered grey water recycling and the introduction of water tanks. She also suggested that Council set an example in water saving and cease watering the lawns outside the Civic Centre.

The General Manager responded that Council receives a lot of criticism about the use of water on its lawns and gardens and had held a number of internal workshops on this issue. However, bearing in mind the examples we have seen from very dry areas like Condobolin and Goulburn we are adopting the approach that there are certain places where it is actually "good for morale" to see a garden that looks green and of which we can be proud. The General Manager asked for more information on the issue of run off so that Council can amend its sprinkler cycles.

He added that as far as the issues of water tanks and grey water were concerned, these would be looked at as budget issues.

3. DAM LEVELS 7790/1, 7790/8

Mrs Pam Cooper asked for an update on the Shire's dam levels.

The Director Technical Services stated that these figures would be published next week in the Quarterly Report but he believed Bundanoon Creek was currently about 95% and Medway Dam about 75%.

4. LACK OF CHRISTMAS DECORATIONS IN THE SHIRE

1671/5.1

Mr Terry Oakes-Ash referred to the Budget for 2007/08 and stated that he has received numerous phone calls and letters relating to the lack of Christmas decorations across the Shire. He asked if Council would consider putting money aside in the next Budget for Christmas decorations in Mittagong, Bowral, Moss Vale, Robertson, Bundanoon and Berrima in the sum of \$48,000 to be controlled by Council officers and reused on an annual basis.

The General Manager advised that this question would be taken on notice.

5. o-TS2 – TRAFFIC MATTERS, MITTAGONG

RD 3174, RD 8260

Mr Charlie Johns referred to Item o-TS2 Traffic Matters, Mittagong which will be heard later in the meeting and asked whether after almost three years of planning opportunity we are now told the traffic plan will go before the Traffic Committee and Mittagong Master Plan Committee just days before the opening of Highlands Market Place. With the proposed construction sites adjacent to the market place, market place traffic and increased construction activity in the Mittagong industrial area, traffic activity west of Mittagong CBD will be double that of two years ago. He asked the following questions:

- a) What is Council planning to do in the interim in relation to the safety of the school children and school traffic needing to cross and enter the old Hume Highway at Pioneer and Bessemer Streets?
- b) What has happened to completion of the Welby walkway?
- c) If the plan is accepted how long will it take to put traffic control instruments in place?

The General Manager advised that these questions would be taken on notice.

6. MITTAGONG MARKET PLACE

6690/6, LUA04/1134

Mr Paul Oates of Woolworths asked for Council's clarification on why the opening of the Market Place is not supported with traffic works partially complete on the basis that i) staff recommend the above; ii) it's a safe solution with the RTA accepting temporary works; and iii) bonds are in place so that the works will be completed. He stated that the lead time to open a shopping centre is many weeks as shopfitters (for 30 shops) and staff need to be employed well in advance.

Mr Oates also asked when the Welby walkway would be completed as Woolworths had contributed \$100,000 towards its completion.

The Director Technical Services responded that the cost to complete the walkway is in the order of \$500,000 and Woolworths' contribution amounted to approximately 20% of the total cost. There are a number of obstacles and steep embankments to complete it and several options that Council needs to look at which will be considered by the Works & Planning Committee at its meeting on Wednesday, 4 April 2007.



QUESTIONS FROM THE PUBLIC

o-CS9	Staff Delegations
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REF:	RMC, EHM
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800/10

Reporting on a request for delegation under the Contaminated Land Management Act 1997 for the purpose of Council recovering costs incurred in carrying out investigations and remediation of contaminated land.

MN 15/07

MOTION moved by Cllr P J Yeo and seconded by Cllr M Murray:

THAT Council approves delegation under Sections 35, 36, 37, 39 and 41 of the Contaminated Land Management Act 1997 to the position of General Manager for the purpose of carrying out the functions of the Act.

PASSED



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 31 January 2007

REPORT OF DIRECTOR TECHNICAL SERVICES

TECHNICAL SERVICES DIVISION

o-TS1	Pesticides Notification Plan
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REF:	PPM	6900/5
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The purpose of this report is for Council to consider and adopt a Pesticide Notification Plan for Wingecarribee Shire.

MN 16/07

MOTION moved by Clr T D Gair and seconded by Clr M Murray:

THAT Council adopts the Pesticide Notification Plan.

PASSED

o-TS2	Traffic Matters, Mittagong
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REF:	TE	RD 3174, RD 8260
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Reporting on Traffic matters at Mittagong, arising from resolutions from the Council meeting held 13 December 2006.

MN 17/07

MOTION moved by Clr T D Gair and seconded by Clr P George:

THAT this matter be deferred for consideration to the next Ordinary meeting of Council to be held on Wednesday, 14 February 2007.

PASSED

COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 Weekly Circulars

REF.	GM	100/8, 203/2007
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Confirming receipt of weekly circulars from the Local Government Association and Council weekly circulars.

MN 18/07

MOTION moved by Clr M Murray and seconded by Clr P George:

THAT the information relating to Local Government Weekly Circulars Nos 01/07, 02/07 and 03/07 and Council Weekly Circulars Nos 01/07, 02/07 and 03/07 be noted.

PASSED

Matters Arising from Weekly Circular

1. **BURRAWANG FIRE SHED** 6406

Clr T D Gair referred to Item 7 in Council Weekly Circular No. 3/07 re Burrawang Fire Shed. and suggested that Council's official position be the subject of a media release when it is known.. An article has now appeared in *Your Times* suggesting that Council is going to sell off the land. Clr Gair asked for confirmation that the fire shed is being built on the site that has been chosen and has been endorsed by Council.

Clr N N Campbell-Jones stated that he would be representing the Mayor on a visit to Burrawang on Saturday morning, 3 February 2007 accompanied by Clrs Tuddenham and Mauger and Council's Property Co-ordinator, Shaun Shephard. He confirmed that the shed is being paid for by the RFS and Council is organising it on that block of land. All the problems have been fixed up and the information in *Your Times* was totally without fact. He has spoken to the Burrawang residents and it was hoped that the visit on Saturday would dispel the rumours that have arisen from the article in *Your Times*.

NOTICES OF MOTION

OTHER MATTERS

NOTICE OF MOTION

c-NRM1 01/2007 – Notice of Motion of Rescission - S96 Timing of Roadworks associated with Highlands Market Place (Big W)

REF: MAS

100/5, LUA04/1134

Reference: – Ordinary meeting of Council Wednesday 13 December 2006 o-EP5
(OC 263/06)

Council has received the following Notice of Motion of Rescission duly signed by Clrs T D Gair, M Murray and P B Tuddenham.

"We hereby give notice of our intention to move at the next meeting of the Council that the following motion passed at the Ordinary Meeting of Council held on 13 December, 2006 **be rescinded**:

1. ***THAT*** Council rejects the application to amend Condition 53 (b) (viii).
2. ***THAT*** prior to the opening of the Big W facility the right hand turn from the southern end of Old Bowral Road onto Bowral Road be prohibited.
3. ***THAT*** an urgent report be provided to Council on the safety issues regarding the usage of Old Bowral Road / Lyell Street as an alternative route to the Big W facility."

MN 19/07

MOTION moved by Clr S H Murray and seconded by Clr J Mauger:

1. ***THAT*** the Notice of Motion of Rescission be deferred for consideration at the Ordinary Meeting of Council to be held on 14 February 2007 ***AND THAT*** the Traffic Engineer be invited to attend the meeting to provide clarification.
2. ***THAT*** Item o-TS2 - Traffic Matters, Mittagong be considered immediately after the Notice of Motion of Rescission.

PASSED

c-NM2	02/2007 – Notice of Motion – S96 Timing of Roadworks associated with Highlands Market Place (Big W)
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REF:	MAS
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100/4, LUA04/1134

Clrs T D Gair, M Murray, P B Tuddenham have given notice that should the Notice of Motion of Rescission be passed it is their intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 31 January 2007.

1. *THAT Council defers its final consideration of the S96 application to amend Condition 53(b)(viii) of LUA04/1134.*
2. *THAT Council advises the applicant it wishes to see the work required by Condition 53(b)(viii) commence immediately a Construction Certificate has been issued.*
3. *THAT Council further advise the applicant that upon receipt of formal correspondence from the RTA agreeing to the amendment of Condition 53(b)(viii), Council would be willing to approve the S96 application to enable the Highlands Marketplace to commence trading prior to the completion of the works required by that condition.*
4. *THAT the Director Environment & Planning be delegated the authority to finalise this matter.*

MN 20/07

MOTION moved by Clr M Murray and seconded by Clr P B Tuddenham:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 14 February 2007.

PASSED

c-NRM3 03/2007 – Notice of Motion of Rescission – Kangaloon Borewater Extraction

REF: DTS

100/4, 5464/1, 5458/7

Reference: – Ordinary meeting of Council Wednesday 13 December 2006 c-NM3 25/2006 (MN 450/06)

Council has received the following Notice of Motion of Rescission duly signed by Clrs M Murray, T D Gair and P Yeo.

"We hereby give notice of our intention to move at the next meeting of the Council that the following motion passed at the Ordinary Meeting of Council held on 13 December, 2006 **be rescinded**:

1. ***THAT** Council refuses to pay the Sydney Catchment Authority (SCA) water bill in protest against the Kangaloon Borewater Extraction project until the ramifications for this shire are clearly known.*
2. ***THAT** Council calls upon other Member Councils to also refuse to pay their SCA water bills in support of Wingecarribee's move to object to the extraction of groundwater from the Shire until all information has been explored.*

MN 21/07

MOTION moved by Clr M Murray and seconded by Clr T D Gair:

THAT the Rescission Motion detailed above be adopted.

PASSED

COMMITTEE REPORTS TABLED

c-CR1	Management and Advisory Committee Reports
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REF.	DCS	107/1
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Submitting minutes of the following sixteen (16) Committee meetings that will be tabled for information:

1. Wingecarribee Aboriginal Advisory Committee meeting Tuesday 3 October 2006
2. Wingecarribee Seniors Advisory Committee meeting Tuesday 3 October 2006
3. Welby Hall Management Committee meeting Thursday 5 October 2006
4. Mittagong Memorial Hall Management Committee meeting Thursday 2 November 2006
5. Wingecarribee Seniors Advisory Committee meeting Tuesday 14 November 2006
6. Tourism Southern Highlands Board meeting Monday 20 November 2006
7. East Bowral Community Centre Management Committee meeting Tuesday 28 November 2006
8. Wingecarribee Housing Strategy Group meeting Tuesday 28 November 2006
9. Heritage Advisory Committee Meeting Monday 4 December 2006
10. Wingecarribee Seniors Advisory Committee meeting Tuesday 5 December 2006
11. Lake Alexandra Reserve Management Committee meeting Tuesday 5 December 2006
12. Wingecarribee Access Committee meeting Wednesday 6 December 2006
13. Mittagong Memorial Hall management Committee meeting Thursday 7 December 2006
14. Hill Top Community Centres Management Committee meeting Thursday 14 December 2006
15. Wingecarribee Seniors Advisory Committee meeting Tuesday 9 January 2007
16. Wingecarribee Shire Council Water Supply & Sewerage Schemes meeting Wednesday, 29 November 2006

MN 22/07

MOTION moved by Clr T D Gair and seconded by Clr P George:

THAT the information contained in the sixteen (16) Committee Reports be noted.

PASSED

COMMITTEE REPORTS ATTACHED

c-CR2 Minutes of the LEP Steering Committee

REF.	DEP	5900/1
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Submitting Minutes of the LEP Steering Committee meeting held Wednesday, 29 November 2006.

MN 23/07

MOTION moved by Clr P J Yeo and seconded by Clr M Murray:

THAT the recommendations as detailed in the minutes of the LEP Steering Committee meeting held Wednesday, 29 November 2006 be adopted.

PASSED

c-CR3 Economic Development Committee

REF	EDO	107/24
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Submitting minutes of the Economic Development Committee meeting held Wednesday, 13 December 2006.

MN 24/07

MOTION moved by Clr M Murray and seconded by Clr P George:

THAT the recommendations as detailed in the minutes of the Economic Development Committee meeting held Wednesday, 13 December 2006 be adopted with the exception of Item 1 – Development Applications Currently Before Council - (3.2) EDC 21/06.

PASSED

1. DEVELOPMENT APPLICATIONS CURRENTLY BEFORE COUNCIL – ITEM 3.2 - EDC 21/06

MN 25/07

MOTION moved by Clr P J Yeo and seconded by Clr M Murray:

THAT the Economic Development Officer may attend all Shire Significant development meetings between Council and the project proponents and that he be authorised to liaise regarding consideration of these applications.

PASSED



c-CR4	Wingecarribee Community Services Consultative Committee
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REF	SPM	1800/17
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Submitting minutes of the Community Services Consultative Committee Meeting held on Tuesday, 5 December, 2006

MN 26/07

MOTION moved by Clr P George and seconded by Clr P J Yeo:

THAT the recommendations as detailed in the minutes of the Community Services Consultative Committee Meeting held on Tuesday, 5 December, 2006 be adopted.

PASSED

c-CR5 Environment Committee

REF PPM 107/25, 5465/29.01

Submitting minutes of the Environment Committee Meeting held on Wednesday, 29 November 2006

Clr N N Campbell-Jones referred to the General Business item on page 109 regarding the public meeting to discuss the plan of management for Mansfield Reserve held on 5 December 2006 and asked how much notification was given to the public that this meeting was to be held and what the outcomes were.

MN 27/07

MOTION moved by Clr P George and seconded by Clr P J Yeo:

THAT the recommendations as detailed in the minutes of the Environment Committee Meeting held on Wednesday, 29 November 2006 be adopted with the exception of Recommendation 6 – Paddy’s River Wetland Rehabilitation.

PASSED

1. RECOMMENDATION 6 – PADDY’S RIVER WETLAND REHABILITATION

MN 28/07

MOTION moved by Clr N N Campbell-Jones and seconded by Clr P B Tuddenham

THAT the allocation of \$25,000 from the Environment Levy to fund bush regeneration works on Paddy’s River Wetland be deferred pending the receipt of further additional information and clarification of maintenance provisions for this particular area of the Wingecarribee Shire.

PASSED

CORPORATE SERVICES DIVISION

c-CS1	Closed Council	
REF.	DCS	107/9

To consider moving into Closed Council.

At this juncture, the time being 7.25pm, the Mayor offered the opportunity to members of the public to make representations to Council as to whether any items of the Closed Council should not be considered in Closed Council.

This information would, if disclosed, prejudice the maintenance of the law, AND THAT the press and public be excluded from Closed Council as it is Council's opinion, publication of the proceedings would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

No objections were received from the members of the public.

MN 29/07

MOTION moved by Clr M Murray and seconded by Clr P George:

1. **THAT** Council move into Closed Council in accordance with the requirements of Section 10 of the Local Government Act 1993 as addressed below to consider the following reports:

GM-1 **LUMP SUM CONTRACT 8/06 - REHABILITATION OF WATER AND SEWER MAINS** **330/06.5, 7799**

Relevant Legal Provision

This report is placed in Closed Committee as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business under Clause 10A(2)(c) of the Local Government Act.

Brief Description

Reporting on tenders received for the rehabilitation of approximately 2,700 metres of sewerage mains and 3,300 metres of water mains in various locations in Bowral, Mittagong, Moss Vale and Bundanoon.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information which could confer a commercial advantage.

2. **THAT** the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.

PASSED

GENERAL BUSINESS

1. LEISURE CENTRE 7181/6

Clr T D Gair asked that a meeting be convened for Councillors to outline the financial model for the Leisure Centre as soon as possible.

The Director Technical Services advised that a meeting date will be organised at the conclusion of this meeting.

2. CLARENCE STREET, MOSS VALE PRECINCT RD3329

Clr T D Gair asked for an estimate of the cost for the maintenance and upkeep of the Clarence Street precinct including the nature strip opposite the fire station and that the cost be included as a base budget item in the 2007-2008 budget.

The Director Technical Services advised that the estimated cost was \$10,000 per annum.

3. BONG BONG COMMON HISTORIC SITE 6530/1

Clr T D Gair asked that a cost for the restoration of the historic site on Bong Bong Common be included in the 2007-2008 budget which includes the removal of two (2) radiata pine trees.

The Director Technical Services advised that he would ensure this information was provided.

4. FOOTPATH REMEDIATION IN WINGELLO 7810/5.3

Clr M King asked that urgent remediation work be carried out on the footpath outside the Wingello Store. This would only require a small amount of paving and is a trip hazard as it is used by elderly people.

The Director Technical Services advised that he would investigate this request.

GENERAL BUSINESS

5. TREES IN BOOLWEY STREET, BOWRAL 8117, 7813/1

Clr M King stated that she had been unable to attend the recent meeting with residents on the drainage problems in Boolwey Street, Bowral and asked if it would be possible to get a different solution to these drainage issues rather than the felling of mature trees.

Clr N N Campbell-Jones stated that the meeting had been very productive and had clarified a number of issues for the residents regarding removal of trees and parking issues and unfortunately there was no simple solution. However, he believed that there would be community acceptance of the fact that the four (4) trees on the northern side will have to go because there is consensus that they are blocking the guttering which then causes it to overflow into residents' properties.

6. STATUS OF SEAL OF APPROVAL PROGRAM 7810/6.1

Clr M Murray asked for a status report on how this year's spending was going for the Seal of Approval program with village roads.

The Director Technical Services responded that the funds for the Seal of Approval program (which is the sealing of village streets as opposed to rural roads) are well on track. Sydney Street, Wingello has been done and there is another job in Hill top which will be done in the near future. The program is on schedule to be completed within the next month or so.

Clr Murray also asked about the Roads to Recovery program and the Director Technical Services advised that the current project in the Roads to Recovery program is the upgrading of Bendooley and Banyette Streets. Some of the works in Bendooley Street are complete and the works in Banyette Street will be undertaken within the next two (2) months.

Clr Murray asked for a report to the next meeting on priorities for both programs for the next three (3) years.

The Director Technical Services advised that he would provide this report.

7. FOOTPATH WORK IN MAIN STREET, MITTAGONG 7810/5.3

Clr P George asked when the footpath work would be done in Main Street, Mittagong.

The Director Technical Services stated that he would investigate this matter.

GENERAL BUSINESS

8. SECTION 94 FUNDS – SKATE PARK IN HILL TOP & COLO VALE 6500/17, 6534,
7180/2

Clr P George asked if she could have the Section 94 fund figures for the skate park in Hill Top and Colo Vale. She believed that petitions were being signed regarding the need for a skate park in these areas and asked if the young people in these areas could be engaged to discuss what they would like.

The Director Environment & Planning stated that he would investigate this matter.

9. HARMONY MURAL – OXLEY MALL CARPARK TOILETS 1671/24, 7145/1

Clr P B Tuddenham stated that he had received some good feedback from residents in relation to the harmony mural painted on the red brick toilet block opposite Gloria Jeans in Bowral.

10. RELEASE OF DISCOLOURED WATER IN BOWRAL 7796

Clr S Murray referred to the media release on the discoloured water in Bowral and asked if the water was drinkable. She declared a non-pecuniary interest in this matter as one of her children attends Bowral Public School and the children had been told not to drink the water. Clr Murray felt that the media release was inadequate as it did not address whether it was safe to drink or bathe in.

The Director Technical Services stated that they had tested the water coming out of Wingecarribee Treatment Plant and it met all drinking water standards. As the water was being transferred through to Bowral there were some sediments which were dislodged from the pipes and went into the water supply. There was no evidence that the water was not drinkable.

11. PETITION FROM RESIDENTS IN BLUE GUM RD, BUNDANOON RD1809

Clr J Clark tabled a petition received from residents in Blue Gum Road, Bundanoon who are concerned about the proposed road widening Blue Gum Rd and the new planned road linking Blue Gum Road with Erith Street. Residents are concerned about the loss of understorey in the endangered ecological community that works for road widening and extension would involve as well as increased traffic movements.

Clr Clark asked for details of the proposed roadworks in that vicinity.

The Director Technical Services stated that he would investigate this matter.

GENERAL BUSINESS

12. TRAILER SIGNS IN YERRINBOOL 5700/33, 7301, 5504

Clr N N Campbell-Jones stated that he disagreed with the fact that Council can do nothing about trailer signs as in DCP 33 pages 21,25,30, 38 in each zoning it says that they are prohibited on Council land as Council owns all verges including RTA roads. All the RTA owns are the two central carriageways and there is no reason why we can't move these trailers along. He believed that Council should be policing this issue as it is quite clear in the DCP.

13. PERMANENT PARKING RANGER 5504

Clr N N Campbell-Jones referred to the appointment of a permanent Parking Ranger and stated that he has spoken to the General Manager who is going to provide a recommendation.

14. MITTAGONG SWIMMING POOL ENTRY 6703

Clr N N Campbell-Jones referred to the entry to Mittagong Swimming Pool which Council had promised to replace using some of the stone that was in the old entryway. He asked when Council was going to do something about this and protect the immediate area, particularly the 1932 Wingecarribee sign.

The Director Technical Services stated that he would refer this matter to the Parks & Property Manager for action.

15. ROAD REPAIRS IN YERRINBOOL 7810/3

Clr N N Campbell-Jones referred to corner of Government Road and the other two streets which run off it in Yerrinbool (Appenine Road and Sunshine Road). He stated that the big trucks were ripping up the road surface and it is coming apart so quickly there will soon be no bitumen left. He asked if something could be done about this.

GENERAL MANAGER'S REPORT

GM-1 Lump Sum Contract 8/06 - Rehabilitation of Water and Sewer Mains

REF: WSM

6330/06.5, 7799

Relevant Legal Provision

This report is placed in Closed Committee as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business under Clause 10A(2)(c) of the Local Government Act.

Brief Description

Reporting on tenders received for the rehabilitation of approximately 2,700 metres of sewerage mains and 3,300 metres of water mains in various locations in Bowral, Mittagong, Moss Vale and Bundanoon.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information which could confer a commercial advantage.

The Committee on a MOTION moved by Clr M Murray seconded by Clr T D Gair
RECOMMENDED

1. **THAT the Lump Sum tender in the sum of \$553,654.00 submitted by Kembla Watertech Pty Ltd be accepted for Schedule 1 of Contract 8/06.**
2. **THAT the Lump Sum tender in the sum of \$460,570.00 submitted by CLM Trenchless Pty Ltd be accepted for Schedule 3 of Contract 8/06.**
3. **THAT the Lump Sum tender in the sum of \$136,406.92 submitted by Interflow Pty Ltd be accepted for Schedule 4 of Contract 8/06.**
4. **THAT no tender be accepted for Schedule 2 as these works can be constructed more cost effectively by Council staff at an estimated cost of \$116,000.**
5. **THAT the Mayor and General Manager be given authority to execute the contract(s) under the Common Seal of Council.**
6. **THAT a report be presented to Council on completion of these works as to the actual costs involved as against budget.**

PASSED

ADOPTION OF CLOSED COUNCIL

MN 30/07

107/9

MOTION moved by Clr N N Campbell-Jones seconded Clr M Murray:

THAT the recommendations of the Closed Council held on Wednesday, 31 January 2007 GM – 1 be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

MN 31/07

107/10

MOTION moved by Clr N N Campbell-Jones seconded by Clr M Murray:

THAT the recommendations of the Open Council held on Wednesday, 31 January 2007 being OC 1/06 to OC 9/06, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 31 January 2007



THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.30PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 31 January 2007 numbered M/N 1/07 to M/N 31/07, were signed by me hereunder at the Council Meeting held on Wednesday, 14 February 2007.

CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 14 FEBRUARY 2007

CHAIRMAN

PUBLIC OFFICER



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 31 January 2007

