

# MINUTES

## OF THE ORDINARY MEETING OF COUNCIL

*File No. 100/07*



held on Wednesday, 14 March 2007

The meeting commenced at 3.00pm.



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 14 March 2007



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**COMMENCING AT:** 3.00PM

**PRESENT:** Councillor Gordon Lewis (Mayor) in the Chair  
Clr NN Campbell-Jones, Clr J R Clark, Clr T D Gair,  
Clr P A George (3.43pm), Clr M L King, Clr J E Mauger,  
Clr M J Murray, Clr S H Murray, Clr P B Tuddenham (4.49pm),  
Clr L A C Whipper and Clr P Yeo

**IN ATTENDANCE:** General Manager, Director Corporate Services, Director  
Environment & Planning, Director Technical Services, Manager  
Administration Services and Administration Officer (AOR)

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**PRAYER**

100/1

The meeting was opened in prayer led by Mr Dave Sharman of Carpernway Bible School.

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**PUBLIC FORUM ADDRESS**

o-EP5 PROPOSED WATER EXTRACTION OFF GOVERNORS RD, BUNDANOON  
(NORLEX) LUA06/1081

Mr Peter Tomasetti requested and was granted permission to speak on the above item in the agenda:

o-EP5 Proposed Water Extraction, off Governors Road, Bundanoon (Norlex)

The Mayor thanked Mr Tomasetti for his comments which would be taken into account when this item was discussed later in the meeting.

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## CONFIRMATION OF MINUTES

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### MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 28 FEBRUARY 2007

100/1

**MN 92/07**

**MOTION** moved by Clr T D Gair and seconded by Clr G Lewis :

**THAT** the Ordinary Meeting of Council held on Wednesday, 28 February 2007 MN 70/07 to MN 91/07 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

**PASSED**

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## BUSINESS ARISING

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1. MINUTES OF THE FINANCE COMMITTEE MEETING F-CS3 - DOUBTFUL DEBT  
WRITE-OFFS

Clr J E Mauger referred to Item F-CS3 of the Finance Committee minutes and asked for clarification regarding the write-off of bad debts of \$59,905.63, one of which constituted \$24,000 of the total. He stated that the comment beside the debt is "owner unable to pay" and asked why rates debtors are pursued when a debt of this kind is written off, sending a bad message to ratepayers.

The Director Corporate Services responded that the company was no longer trading and has no assets.

The General Manager advised that Council's debt collection agency had confirmed that the company was unable to pay. He explained that rates debtors can be pursued because their debts related to a property. However, it would cost Council a significant amount of money to pursue this debt as there is no company to claim it from - Highlands Waste Services was a company owned by CJ Recycling Pty Ltd which no longer existed and has been deregistered. The sole director was Mr Charles Frederick Johns.

Clr Mauger asked for more information in relation to this debt and to other debts. He asked that a detailed report on this matter be included in the Weekly Circular.

**MN 93/07**

**MOTION** moved by Clr P J Yeo and seconded by Clr N N Campbell-Jones :

**THAT** future potential debt write-offs be referred to the Legal Committee in the first instance.

**PASSED**

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## DECLARATIONS OF INTEREST

101/3

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1. Clr S H Murray declared a non-pecuniary interest in item o-EP4 24 Lot Rural Subdivision, Joadja Road, Joadja as she is a member of the board of the Sydney Catchment Authority. She stated that she would remain in the chamber when this matter was discussed but would refrain from voting thereon.
  2. Clr P George declared a pecuniary interest in Item WP-EP4 of the Works & Planning Committee minutes on page 118 of the agenda as she is employed by the owner of the land in another of his businesses. She stated that she would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
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## SUSPENSION OF STANDING ORDERS

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Clr N N Campbell-Jones requested that Standing Orders be suspended to allow item o-EP5 Proposed Water Extraction off Governors Road, Bundanoon (Norlex Holdings) to be the first item heard at the meeting due to large number of Bundanoon residents in the public gallery.

**MN 94/07**

**MOTION** moved by Clr N N Campbell-Jones and seconded by Clr M J Murray

**THAT** standing orders be suspended to allow Item o-EP5 Proposed Water Extraction off Governors Road, Bundanoon to be considered at this juncture in the meeting.

**PASSED**

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## SUSPENSION OF STANDING ORDERS

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Clr L A C Whipper requested that item c-NM1 Notice of Motion of Rescission – Bangandilly Station, Canyonleigh be heard at this juncture of the meeting.

**MN 95/07**

**MOTION** moved by Clr LAC Whipper and seconded by Clr J R Clark:

**THAT** standing orders be suspended to allow Item c-NM1 Notice of Motion of Rescission – Bangandilly Station, Canyonleigh to be considered immediately following Item o-EP5.

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### OPEN COUNCIL

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The Mayor advised that Clr P George was to chair Open Council tonight but as she had indicated she would be late he would remain in the chair until her arrival.

***MN 96/07***

***MOTION moved by Clr G Lewis and seconded by Clr N N Campbell-Jones:***

***THAT Council move into Open Council to discuss various matters listed in the Agenda with Clr G Lewis in the Chair.***

***PASSED***

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### REPORT OF DIRECTOR ENVIRONMENT & PLANNING



## ENVIRONMENT & PLANNING DIVISION

### o-EP5 Proposed Water Extraction, off Governors Road, Bundanoon (Norlex)

REF: DCM

LUA06/1081

Reporting further on application for a Construction Certificate for works associated with a previously approved water extraction operation off Governors Road, Bundanoon.

Clr L A C Whipper requested that a copy of the 2000 minutes which dealt with this matter be included in the weekly circular.

#### **OC 34/07**

The Committee on a MOTION moved by Clr M J Murray and seconded by Clr M L King **RECOMMENDED:**

**THAT the matter be deferred for a further period of one (1) month.**

#### **PASSED**

#### 1. PUBLIC FORUM

#### **OC 35/07**

The Committee on a FURTHER MOTION moved by Clr S H Murray and seconded by Clr N N Campbell-Jones **RECOMMENDED:**

**THAT the guidelines for the use of the three (3) minute Public Forum be adhered to.**

#### **PASSED**

## NOTICES OF MOTION

|       |   |
|-------|---|
| c-NM1 | 11/2007 – Notice of Motion of Rescission – Bangandilly Station, Canyonleigh |
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| REF: | MAS |
|------|-----|

|       |
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| 100/5 |
|-------|

"We hereby give notice of our intention to move at the next meeting of the Council that the following resolution be **rescinded**:

1. *THAT Council approves the application for subdivision by way of a "Deferred Commencement Consent" pursuant to the Draft Conditions of Consent attached to the report, subject to the following amendments to the Draft Conditions of Consent:*
  - (a) *Condition 33(a)(ii) be amended to the effect that alternative access be agreed by all affected land owners;*
  - (b) *The fencing conditions reflect the intent that no fences be built rather than "no clearing for fencing" and that Council be the authority to vary or modify under the Section 88B instrument;*
  - (c) *That the remnant fence referred to in Condition 12 be listed as an item of environmental heritage and be further protected in an appropriately worded condition in the Section 88B instrument; and subject to Department of Lands approval.*
2. *THAT a Remedial Action Plan to address land contamination be submitted by the applicant prior to the issuing of any consent.*
3. *THAT Council delegates authority to the Director of Environment and Planning to issue an approval subject to the submission of amended plans which address minor changes to lot boundaries so as to negate the need for tree removal in accordance with the requirements of the Hawkesbury Nepean Catchment Management Authority.*
4. *THAT no removal of any native vegetation occur without the approval of Council and the Hawkesbury Nepean Catchment Authority.*
5. *THAT prior to the next Ordinary Meeting of Council to be held on Wednesday, 14 February 2007 information be obtained regarding the applicability of the Environment Protection & Biodiversity Conservation Act to this development.*

*Dated: 21 February 2007*

*Signed: Clr LAC Whipper, Clr J Clark, Clr P Yeo"*

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The Committee on a MOTION moved by Clr LAC Whipper and seconded by Clr P J Yeo:

THAT the rescission motion be adopted.

### **LOST**

Dissenting votes: Clrs L A C Whipper, J Clark, S H Murray and P Yeo requested that their dissenting votes be recorded in respect of this motion.

**MAYORAL MINUTE**

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Clr P George joined the meeting at 3.43pm

**MAYORAL MINUTE**

**c-MM1 Fireweed**

REF. MAYOR 6900, 6920/4 (cc 102/5)

Seeking funds to support Bega Fireweed Committee's application for \$450,000 funding from the Federal Government's 'Defeating the Weed Menace' program.

**OC 36/07**

The Committee on a MOTION moved by Clr G Lewis and seconded by Clr J E Mauger  
**RECOMMENDED:**

1. **THAT Wingecarribee Shire Council join with other Southern Council Group members in supporting Bega Fireweed Committee's application for \$450,000 funding from the Federal Government's 'Defeating the Weed Menace' program.**
2. **THAT Wingecarribee Shire Council contribute \$5,000 to help fund, in conjunction with other Southern Council Group members, a secretariat for the administration of a grant and employ a project officer to prepare a submission and liaise with relevant organisations, should funding become available.**
3. **THAT the \$5,000 contribution be funded from the contingencies vote.**

**PASSED**

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The Mayor vacated the chair to allow Clr P George to chair the remainder of Open Council.



**OPEN COUNCIL**

**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 20/2/07 and 7/3/07.

**OC 37/07**

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

**THAT the information relating to Development Consent Nos 1-12 under Delegated Authority be received and noted.**

**PASSED**

**Matters Arising from Development Consents Under Delegated Authority**

1. CHURCH, CARPARK, SUBDIVISION & MINISTER'S RESIDENCE, OLD HUME HIGHWAY, WELBY LUA06/0851

Clr P Yeo referred to item 5 and asked whether this reflected all the views expressed at the Works & Planning meeting inspection on Monday, 5 March 2007. Clr Yeo stated that he felt the things agreed to on consensus at inspections should be noted and read out at the Works & Planning meeting.

The Director Environment & Planning advised that this will be undertaken at future Works & Planning inspection meetings.



**o-EP2 List of Development Applications Received By Council**

REF: DCM

5302

Submitting list of development applications which have been received between 19/2/07 to 06/03/07, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

**OC 38/07**

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

**THAT the information regarding the List of Land Use Applications Nos 1-28 received by Council be received and noted.**

**PASSED**

**Matters Arising from Development Applications Received by Council**

1. BOUNDARY ADJUSTMENT – GLENQUARRY PARK, KIRKLAND RD, KANGALOOON (NORTH OF RESERVOIR)

Clr J Mauger referred to Item 15 and asked for more information on the location of this development.

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



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2. 4 LOT RURAL SUBDIVISION, "OLD COOWONG", TUGALONG ROAD,  
CANYONLEIGH LUA07/0221

Clr J Clark referred to Item 25 and asked if comments on vegetation matters could be included when development applications came in.

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

Clr L A C Whipper asked if there were any environmental issues involved and if so, could the matter be referred to the Environment Committee. He suggested that this should happen with future development applications.

- 
3. CONSTRUCT NEW GOLF HOLE & MOUNDS, HIGHLANDS GOLF CLUB  
OLD HUME HIGHWAY, MITTAGONG LUA07/0227

Clr N N Campbell-Jones asked why a Development Application was necessary for a new golf hole.

The Director Environment & Planning stated that golf holes can sometimes involve substantial earthworks.

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**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 February 2007.

**OC 39/07**

The Committee on a MOTION moved by Clr M J Murray and seconded by Clr P J Yeo  
**RECOMMENDED:**

**THAT the information regarding the List of Land Use Applications received by Council for the month of February 2007 be received and noted.**

**PASSED**

**o-EP4 24 lot Rural Subdivision, Joadja Road, Joadja**

REF: DEP

LUA06/0994

At its meeting of 28 February 2007, Council resolved:

*'THAT this matter be deferred until the next Ordinary Meeting of Council to be held on 14 March 2007.'*

**OC 40/07**

The Committee on a MOTION moved by Clr M L King and seconded by Clr M J Murray  
**RECOMMENDED:**

**THAT Council defers the final decision on this application to the Ordinary Meeting of Council to be held on Wednesday, 28 March 2007 when the final configuration of lots will be available.**

**PASSED**



**o-EP5 Proposed Water Extraction, off Governors Road, Bundanoon (Norlex)**

REF: DCM

LUA06/1081

This matter was considered earlier in the meeting (refer OC 34/07).

**o-EP6 Previous Plan Funds Expenditure**

REF: SPM

5701/6

Reporting on an expenditure proposal of previous plan funds held for the purpose of car parking of \$2,307.

**OC 41/07**

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

**THAT Council allocates the remaining funds held in the Car Parking previous plan fund (Precinct 6 – Mittagong, Welby) including interest estimated at \$2,307 toward the Shire-wide car parking model project.**

**PASSED**

**o-EP7 S.94 Plan For Recreation - Adoption**

REF: SPM

5701/5

This report reviews the submissions received as part of the exhibition process for the draft s.94 Plan for Open Space and Recreation and discusses the impacts of adopting the plan.

Council's Section 94 Planner, James Shelton, introduced this matter.

Clr P B Tuddenham joined the meeting at 4.40pm.

**OC 42/07**

The Committee on a MOTION moved by Clr P J Yeo and seconded by Clr M J Murray  
**RECOMMENDED:**

1. **THAT Council adopt the s.94 Plan for Open Space and Recreation as outlined in Attachment 2 to this report save that the priorities concerning Wingello be amended in that the improvements to Bill O'Reilly Oval become the second listed priority:**
2. **THAT Council prioritise the preparation of Plans of Management where required for the following parks and outline a preferred consultation program prior to any works:**
  - **Exeter Park, Exeter;**
  - **Hampden Park, Robertson;**
  - **Stephens Park, Bowral;**
  - **Loseby Park, Bowral;**
  - **Glebe Park, Bowral;**
  - **Bundanoon Oval /Jordans Crossing Reserve, Bundanoon;**
  - **Ferndale Reserve, Bundanoon;**
  - **Jurd Park, Colo Vale;**
  - **Boronia Park, Hill Top;**
  - **Government Road Playing Fields, Yerrinbool;**
  - **Iron Mines Oval, Mittagong;**
  - **Mittagong Oval, Mittagong;**
  - **Welby Oval, Welby;**
  - **Community Oval, Moss Vale;**
  - **Leighton Gardens; Moss Vale; and**
  - **Unnamed Reserve (near bushfire shed) on Penrose Rd, Wingello.**
3. **THAT Council endorse the works program for 2007/08 as outlined in Attachment 5 for consideration in this year's budget process and THAT the proposed program for 2008/09 and 2009/10 be included in the Council's Management Plan.**

.....Cont'd



Cont'd.....

4. **THAT** should the Department of Planning support the rezoning of land at Braemar (Knox and Braemar Garden World) to residential, **THAT** a review of recreation needs in the area be undertaken with the view to amending the s.94 plan for this area.
  
5. **THAT** a further report be presented to Council on the phasing in of the new contribution rates for Mittagong/Welby and Hill Top.

**PASSED**

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**o-EP8 Proposed 4 Lot Subdivision at Reflections Way, East Bowral**

REF: PMM

LUA06/1358

Reporting on proposed 4 lot subdivision at Lots 38 & 42 DP 1044937 Reflections Way, East Bowral.

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*The Committee on a MOTION moved by Clr N N Campbell-Jones and seconded by Clr M J Murray **RECOMMENDED**:*

THAT the application as presented be approved.

AMENDMENT moved by Clr T D Gair and seconded by Clr P J Yeo **RECOMMENDED**:

1. THAT the applicant be requested to submit amended plans showing two 1,500 square metre+ lots and one 2,000 square metre+ lot (containing the existing dwelling) to the satisfaction of the Director, Environment & Planning, and that after receipt of satisfactory plans, consent be issued under delegated authority.
2. THAT those who made submissions be advised of Council's decision.

**On being put to the meeting voting was tied at six (6) all on the Amendment and the matter was therefore deferred for determination until the Mayor resumed the chair (refer to OC 68/07 on page 34).**



**o-EP9 Proposed Commercial Bulk Water Extraction, 'The Log Cabin', Sutton Forest**

REF: SW

LUA05/1023

Reporting on proposed Commercial bulk water extraction facility at Lot 2 DP 240164 'The Log Cabin' Hanging Rock Road, Sutton Forest.

**OC 43/07**

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

1. THAT the application be approved in accordance with draft conditions in Attachment 5.
2. THAT all persons who made a submission be advised of Council's determination in this matter.

The Committee on an AMENDMENT moved by Clr LAC Whipper and seconded by Clr M L King:

**THAT the application be refused based on the fact that Council sees some contradictions in terms of the change of use, incremental impacts on groundwater reserves and impacts on the environment in general.**

**PASSED**

**AMENDMENT BECAME THE MOTION**

**MOTION PASSED**

**QUESTIONS FROM THE PUBLIC**

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**QUESTIONS FROM THE PUBLIC**

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1. BANGANDILLY STATION, CANYONLEIGH 100/5

Mr Stan Catford referred to Bangandilly Station and stated that he lived in Nandi Road, Canyonleigh. He asked if Council was aware that Nandi Road is a public road (which was dedicated in 1895) and not a Crown road.

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2. BULK WATER EXTRACTION, GOVERNORS ROAD, BUNDANOON LUA06/1081

Mr Sid Eavis asked that notwithstanding the legality of WSC approval in 1995 (DA057/94) would it not be reasonable to expect that the Department of Natural Resources (who also issued a construction certificate in 1994) should review and even withdraw a licence of 12 years without use in consideration of current water management issues, especially since this water withdrawal is a commercial venture and does nothing to benefit Bundanoon residents/ratepayers. If a good reason to change the DA is needed then Council need look no further than "climate change" or "global warming".

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3. PROPOSED PIPELINE FROM WINGECARRIBEE/SOALHAVEN WATER SUPPLY TO GOULBURN 7790, 205/4

Mrs Pam Cooper asked if Council was aware of the proposed pipeline from the Wingecarribee/Shoalhaven water supply to Goulburn before it was announced publicly by the Utilities Minister, David Campbell, last week.

Mrs Cooper also asked if an EIS program had been implemented to assess the effect of simultaneous water extraction for Sydney and Goulburn on our own water supply, especially if 2008 is another drought year.

The General Manager responded that Council was not aware of this pipeline until the announcement. However, he stated that it was not our water but that of the Sydney Catchment Authority and the needs of the whole area needed to be evaluated.

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4. ALTERNATIVE ROUTES FOR 4.6M HIGH VEHICLES 7301/1

Mrs Pam Cooper referred to Item 7 of the Traffic Committee minutes on page 72 of the agenda and asked Cllr Gair to clarify the "alternative route" for 4.6m high vehicles on Moss Vale Road, the direction and destination of these vehicles and the reasons for this proposal by the RTA.

Cllr T D Gair advised that when the RTA put down a new hot mix on the Illawarra Highway they had raised the level of the road and it is now not a legal underpass for high vehicles. The RTA requested Council to identify other routes for high vehicles to take and the recommendation is that the RTA overcome these difficulties as they had allowed the road level to be raised.

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**CORPORATE SERVICES DIVISION**

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| <b>o-CS1</b> | <b>Investments as at 31 January 2007</b> |
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| REF | FSM | 2104 |
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Submitting details of Council's Investments as at 31 January 2007

**OC 44/07**

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

**THAT the information on Council's Investments as at 31 January 2007 be received and noted.**

**PASSED**

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| <b>o-CS2</b> | <b>Agreement between Kiama Municipal Council and Southern Council Group Regarding Reconstruction of Princes Highway over Conjola Mountain.</b> |
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| REF. | MAS | 205 |
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Reporting on request from Kiama Municipal Council to act on behalf of Southern Councils Group to administer the Auslink Grant Funding for the reconstruction of the Princes Highway between Bendalong Road and Conjola Creek Bridge over Conjola Mountain.

Clr P Yeo asked for it to be noted that the second paragraph under "The Proposal" on page 41 of the business paper needed to be amended to read:

*"Accordingly Wingecarribee Shire Council will need to resolve that Council enter into the agreement and provide the General Manager the delegation to sign the proposal".*

**OC 45/07**

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

**THAT Council enters into an agreement with Kiama Municipal Council acting on behalf of the Southern Councils Group for the administration of the Auslink funding for the reconstruction of the Princes Highway between Bendalong Road and Conjola Creek Bridge over Conjola Mountain AND THAT the General Manager be delegated authority to sign the agreement on Council's behalf.**

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 14 March 2007

### REPORT OF DIRECTOR TECHNICAL SERVICES

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#### TECHNICAL SERVICES DIVISION

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| <b>o-TS1 Plan of Management &amp; Conservation Management Plan - Bong Bong Common</b> |
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| REF: PPM, FSM | 6530/1 |
|---------------|--------|

The purpose of this report is for Council to consider additional funding to complete the Plan of Management for Bong Bong Common.

#### **OC 46/07**

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

1. **THAT Council supports the concurrent completion of the Conservation Management Plan and Plan of Management.**
2. **THAT additional funding of \$15,000 be provided in the March budget review to complete the Plan of Management.**
3. **THAT the Heritage Committee and Berrima District Historical Society be added to the list of groups to be consulted during the process (refer Item 2(c)).**
4. **THAT it be noted that there is in principle support for a Botanic Gardens on the site.**
5. **THAT point 6 of Stage 1 (Briefing on the Plan of Management) be subject to an information session for Councillors prior to the expiration of twelve (12) weeks from the date of this recommendation (6 June 2007).**
6. **THAT Council stresses the consultation process be comprehensive and thorough AND THAT community groups be given adequate notice of the consultation phase.**

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 14 March 2007

### REPORT OF DIRECTOR TECHNICAL SERVICES

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#### **o-TS2 Paddy's River Wetland Restoration Project**

REF: PPM

5465/29.01

The purpose of this report is for Council to consider further information regarding the project proposal to control weed infestation in the Paddy's River wetland.

#### **OC 47/07**

The Committee on a MOTION moved by Cllr LAC Whipper and seconded by Cllr M J Murray  
**RECOMMENDED:**

1. **THAT the recommendation of the Environment Committee for the allocation of \$25,000 from the Environment Levy towards weed control/bush regeneration works in Paddy's River Wetland be adopted;**
2. **THAT the Project Maintenance Plan be adopted.**

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 14 March 2007

### REPORT OF DIRECTOR TECHNICAL SERVICES

#### **o-TS3 Construction of Recreational Path – Mittagong Marketplace to Pioneer Street**

REF: DTS

RD 3181/1, 6690

Reporting on the pathway link between Mittagong Marketplace and Pioneer Street, Mittagong.

#### **OC 48/07**

The Committee on a MOTION moved by Cllr P B Tuddenham and seconded by Cllr P J Yeo  
**RECOMMENDED:**

1. **THAT Council endorses the preferred route for the pathway along the southern side of the Old Hume Highway between Mittagong Marketplace and Pioneer Street as STAGE 1.**
2. **THAT Council considers the construction of a pathway on the northern side of the Old Hume Highway between Mittagong Marketplace and Ironmines Oval as STAGE 2.**
3. **THAT design plans and estimate be prepared for Stages 1 and 2 AND THAT a report on the funding shortfall be brought to Council when the plans and estimates are complete.**
4. **THAT a future STAGE 3 be considered from Ironmines Oval to Bessemer Street on the northern side.**
5. **THAT a future STAGE 4 be the continuation of the pathway on the northern side from Bessemer Street to Pioneer Street.**
6. **THAT the staging of this pathway be placed on public exhibition in the press and the community and referred to the Mittagong Master Plan Committee.**
7. **THAT pedestrian movements between Mittagong Marketplace and Ironmines Oval be monitored following the opening of the Mittagong Marketplace development AND THAT temporary safety measures be installed if there is a significant risk to pedestrian safety, funded from the contribution from the developer.**
8. **THAT Mr Alby Schultz MP be approached regarding future funding.**

**PASSED**

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**COUNCIL MATTERS**

**GENERAL MANAGER'S REPORTS**

**c-GM1 Weekly Circulars**

|      |    |                 |
|------|----|-----------------|
| REF. | GM | 100/8, 203/2007 |
|------|----|-----------------|

Confirming receipt of weekly circulars from the Local Government Association and Council weekly circulars.

**OC 49/07**

The Committee on a MOTION moved by Cllr P J Yeo and seconded by Cllr P B Tuddenham  
**RECOMMENDED:**

***THAT the information relating to Local Government Weekly Circulars Nos 08/07 and 09/07 and Council Weekly Circulars Nos 08/07 and 09/07 be noted.***

**PASSED**

**Matters Arising from Council Weekly Circular**

1. TRUCK PARKING 7460/25, 5504

Cllr N N Campbell-Jones referred to Item 12 on page 16 of Council Weekly Circular No. 11/07 which stated that the trucks can be moved on. He asked what Council intended to do about this and whether there was a policy for fining them. He believed that rangers could enforce road rules and requested a report which clearly stated what action Council could take about truck parking in the Shire.

The General Manager stated that Council would need to work with the rangers and police on this matter.

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2. ROBERTSON FOOTPATH RD 8025, 7401/1

Cllr L A C Whipper referred to Item 11 on page 15 of Council Weekly Circular No. 11/07 and asked where we go from here.

The Director Technical Services advised that the RTA will not fund the path unless it is a 2 metre off-road share path. Therefore, Council has 2 options – either to design the 2 metre wide path and submit a formal application to the RTA or put the compromise option (ie: the \$200,000 shoulder widening) in Council's budget for consideration.

The General Manager suggested that this matter be revitalised after the State Election.

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- |              |   |
|--------------|---|
| <b>c-GM2</b> | <b>Local Government Conferences:</b><br>(1) LGA Conference – Coffs Harbour (2007)<br>(2) National General Assembly – Darwin (2007)<br>(3) LGA Conference – Broken Hill (2008) |
|--------------|---|

|      |                 |                             |
|------|-----------------|-----------------------------|
| REF. | GM, MAS, GM Sec | 204/2007, 203/1.1, 204/2008 |
|------|-----------------|-----------------------------|

Reporting on the:

- (1) 2007 Local Government Association Annual Conference to be held at Coffs Harbour from 20-24 October 2007
- (2) 2007 National General Assembly of Local Government to be held in Darwin from 26-29 November 2007
- (3) 2008 Local Government Association Conference to be held in Broken Hill from 25-29 October 2008

**OC 50/07**

The Committee on a MOTION moved by Clr N N Campbell-Jones and seconded by Clr P B Tuddenham **RECOMMENDED:**

- (1) **THAT Council confirms its attendance at the 2007 Local Government Association Conference at Coffs Harbour as follows and their respective voting status:**

|                                   |                                |
|-----------------------------------|--------------------------------|
| <b>Mayor Gordon Lewis</b>         | <b>Voting Delegate</b>         |
| <b>Clr Penny George</b>           | <b>Voting Delegate</b>         |
| <b>Clr Paul Tuddenham</b>         | <b>Voting Delegate</b>         |
| <b>Clr Sara Murray</b>            | <b>Member of the Executive</b> |
| <b>General Manager or nominee</b> | <b>Observer</b>                |

- (2) **THAT Council confirms its attendance at the 2007 National General Assembly of Local Government in Darwin as follows:**

**Clr M King**  
**Clr G Lewis**  
**Clr N N Campbell-Jones**  
**General Manager or nominee**

- (3) **THAT Council sends three (3) delegates to attend the 2008 Local Government Conference in Broken Hill.**

**PASSED**

**NOTICES OF MOTION**

**OTHER MATTERS**

**NOTICE OF MOTION**

**c-NM1 11/2007 – Notice of Motion of Rescission – Bangandilly Station, Canyonleigh**

REF: MAS 100/5,

This matter was considered earlier in the meeting (refer page 5).

**c-NM2 12/07 – Notice of Motion – Bangandilly Station, Canyonleigh**

REF: MAS 100/4

Due to the Notice of Motion of Rescission not being adopted, this matter was withdrawn.

**c-NM3 14/07 – Notice of Motion – Sub Divisions Applications (including rural)**

REF: DEP 100/4,

Clr LAC Whipper and Clr P J Yeo have given notice of their intention to move the following Notice of Motion of the Ordinary Meeting at Council on Wednesday 14 March 2007.

1. THAT Council address the growing practice of sub-division applications (including rural sub-division) being forwarded to Council's Works and Planning Committee and subsequently full Council for approval without the relevant information (including, but not limited to environmental assessments) being provided to make a fully considered decision.
2. THAT this matter be considered via an information session of Council as a matter of urgency.

**OC 51/07**

The Committee on a MOTION moved by Clr LAC Whipper and seconded by Clr P J Yeo  
**RECOMMENDED:**

**THAT an information session be held as a matter of urgency on the process by which development applications are dealt with by Council**

**PASSED**

## COMMITTEE REPORTS TABLED

|              |  |
|--------------|--|
| <b>c-CR1</b> | <b>Management and Advisory Committee Reports</b> |
|--------------|--|

|      |     |       |
|------|-----|-------|
| REF. | DCS | 107/1 |
|------|-----|-------|

Submitting minutes of the following fifteen (15) Committee meetings that will be tabled for information.

1. Jurd Park Management Committee meeting Tuesday 14 November 2006
2. Bong Bong Common Management Committee meeting Tuesday 27 November 2006
3. Lake Alexandra Reserve Management Committee meeting Tuesday 5 December 2006
4. Robertson Community Centre Management Committee meeting Monday 15 January 2007
5. Wingecarribee Seniors Advisory Committee meeting Tuesday 30 January 2007
6. Mittagong Memorial Hall Management Committee meeting Thursday 1 February 2007
7. Penrose Hall and Recreation Reserve Committee meeting Monday 5 February 2007
8. Lake Alexandra Reserve Management Committee meeting Tuesday 6 February 2007
9. Wingecarribee Housing Strategy Group meeting Tuesday 6 February 2007
10. Mittagong Community Centre Management Committee meeting Thursday 8 February 2007
11. Mittagong Memorial Hall Management Committee Special meeting Wednesday 8 February 2007
12. Moss Vale Senior Citizens & Community Centre Management Committee meeting Monday 12 February 2007
13. Wingecarribee Access Committee meeting Wednesday 14 February 2007
14. Bowral Tulip Time Committee meeting Monday 28 February 2007
15. Wingecarribee Sport & Recreation meeting 21 November 2006

### **OC 52/07**

The Committee on a MOTION moved by Clr P J Yeo and seconded by Clr M J Murray  
**RECOMMENDED:**

**THAT the information contained in the fifteen (15) Committee Reports be noted.**

**PASSED**



**COMMITTEE REPORTS ATTACHED**

**c-CR2 Minutes of the Traffic Committee**

| REF. | DTS |       |
|------|-----|-------|
|      |     | 107/6 |

Submitting Minutes of the Traffic Committee meeting held Monday, 26 February 2007.

It was noted that TC 12/07 on page 78 of the Agenda should read TC 18/07.

**OC 53/07**

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

***THAT recommendations TC 1/07 to TC 18/07as detailed in the minutes of the Traffic Committee meeting held Monday, 26 February 2007 be adopted with the exception of TC 10/07 Clarence Street Precinct and TC 14/07 Old Hume Highway – Intersections of Pioneer Street and Bessemer Street, Mittagong.***

**PASSED**

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|    |                                 |        |
|----|---------------------------------|--------|
| 1. | <u>CLARENCE STREET PRECINCT</u> | 7415/2 |
|    | TC 10/07                        |        |

**OC 54/07**

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

***THAT the request to improve congestion in the Clarence Street precinct be deferred for further consideration at the next Traffic Committee meeting.***

**PASSED**

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2. OLD HUME HIGHWAY – INTERSECTIONS OF PIONEER STREET  
AND BESSEMER STREET, MITTAGONG  
TC 14/07

OH-17, PI-05

**OC 55/07**

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

**THAT the proposed works for Old Hume Highway be deferred for consideration at a  
Councillor Information Session.**

**PASSED**

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**c-CR3 Minutes of the Mittagong Master Plan Committee**

REF. DTS 1603/31

Submitting Minutes of the Mittagong Master Plan Committee meeting held Tuesday, 13 February 2007.

**OC 56/07**

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

**THAT the recommendation as detailed in the minutes of the Mittagong Master Plan Committee meeting held Tuesday, 13 February 2007 be adopted.**

**PASSED**

**c-CR4 Minutes of the Economic Development Committee**

REF. EDO 107/24

Submitting Minutes of the Economic Development Committee meeting held Wednesday, 31 January 2007.

**OC 57/07**

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

**THAT the recommendations as detailed in the minutes of the Economic Development Committee meeting held Wednesday, 31 January 2007 be adopted.**

**PASSED**



**c-CR5 Minutes of the Economic Development Committee**

REF. EDO

107/24

Submitting Minutes of the Economic Development Committee meeting held Wednesday, 28 February 2007.

**OC 58/07**

The Committee on a MOTION moved by Clr G Lewis and seconded by Clr P A George **RECOMMENDED:**

**THAT the recommendations as detailed in the minutes of the Economic Development Committee meeting held Wednesday, 28 February 2007 be adopted with the exception of EDC 03/07 on page .**

**PASSED**

1. APPOINTMENT OF DELEGATES TO CHINA EXPO

**OC 59/07**

The Committee on a MOTION moved by Clr G Lewis and seconded by Clr N N Campbell-Jones **RECOMMENDED:**

**THAT Council funds the air fares for Mr Carl Pemberton and Mr Terry Oakes-Ash to attend the China Expo to be held on 26/27 April 2007 AND THAT Mr Eugene Liu also attend as part of the Council delegation (independently sponsored).**

The Committee on an AMENDMENT moved by Clr M J Murray seconded by Clr T D Gair **RECOMMENDED:**

**THAT Carl Pemberton (Economic Development Officer), accompanied by Mr Terry Oakes Ash (Community Representative) and Mr Eugene Liu (Community Representative) (both independently sponsored) accept the invitation to attend the Expo in Zhengzhou, China on 26 and 27 April 2007 as part of the official Council delegation.**

**PASSED**

**AMENDMENT BECAME THE MOTION**

**PASSED**



**c-CR6 Minutes of the Environment Committee**

REF. PPM 107/25, 5465/29.01

Submitting Minutes of the Environment Committee meeting held Wednesday, 21 February 2007.

**OC 60/07**

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

**THAT the recommendations as detailed in the minutes of the Environment Committee meeting held Wednesday, 21 February 2007 be adopted.**

**PASSED**

**c-CR7 Arts & Culture Board**

REF SPM 1660/1

Submitting minutes of the Arts & Culture Board meeting held Monday, 26 February 2007.

**OC 61/07**

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

**THAT the recommendations as detailed in minutes of the Arts & Culture Board meeting held Monday, 26 February 2007 be adopted.**

**PASSED**

**COMMITTEE MINUTES**

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**c-CR8 Wingecarribee Community Services Consultative Committee**

REF SPM 1800/17

Submitting minutes of the Community Services Consultative Committee Meeting held on Tuesday, 6 February 2007

**OC 62/07**

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

**THAT the recommendations as detailed in minutes of the Community Services Consultative Committee Meeting held on Tuesday, 6 February 2007 be adopted.**

**PASSED**

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**c-CR9 LEP Steering Committee**

REF DEP 5900

Submitting minutes of the LEP Steering Committee Meeting held on Wednesday, 21 February 2007.

**OC 63/07**

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

**THAT the recommendations as detailed in the minutes of the LEP Steering Committee Meeting held on Wednesday, 21 February 2007 be adopted.**

**PASSED**

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**COMMITTEE MINUTES**

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**c-CR10 Legal Committee**

|     |     |        |
|-----|-----|--------|
| REF | DEP | 107/22 |
|-----|-----|--------|

Submitting minutes of the Legal Committee Meeting held on Wednesday, 28 February 2007.

**OC 64/07**

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

**THAT the recommendations as detailed in the minutes of the Legal Committee Meeting held on Wednesday, 28 February 2007 be adopted.**

**PASSED**

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**c-CR11 Works & Planning Committee**

|     |     |        |
|-----|-----|--------|
| REF | DEP | 107/23 |
|-----|-----|--------|

Submitting minutes of the Works and Planning Committee Meeting held on Wednesday, 7 March 2007.

**OC 65/07**

The Committee on a MOTION moved by Clr M J Murray and seconded by Clr P B Tuddenham **RECOMMENDED:**

**THAT the recommendations as detailed in the minutes of the Works and Planning Committee Meeting held on Wednesday, 7 March 2007 be adopted with the exception of WP-EP3 Proposed 4 Lot Subdivision at Reflections Way, East Bowral and WP-EP4 S96(2) Modification to Commercial Development "Clarence House", Elizabeth and Clarence Streets, Moss Vale.**

**PASSED**

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**CHAIRPERSON**

At 7.30pm being the conclusion of Open Council, the Mayor, Clr G Lewis, resumed the chair to conduct the remainder of Council business.

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### **EXTENSION OF TIME**

Clr M Murray requested an extension of time to 8.00pm in accordance with Council's Code of Meeting Practice.

- 
1. WP-EP3 PROPOSED 4 LOT SUBDIVISION AT REFLECTIONS WAY,  
EAST BOWRAL LUA06/1358

Reporting on proposed 4 lot subdivision at Lots 38 & 42 DP 1044937 Reflections Way, East Bowral.

It was noted that this item was also included in the agenda as o-EP8 Proposed 4 Lot Subdivision at Reflections Way, East Bowral to allow Councillors who were not members of the Works & Planning Committee to consider the full report.

**On being put to the meeting voting was tied at six (6) all on the amendment in Open Council and the matter was therefore deferred for determination until the Mayor resumed the chair (refer to MN 96/07 on page ).**

***MN 97/07***

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

***THAT the application as presented be approved.***

*The Committee on an AMENDMENT moved by Clr T D Gair and seconded by Clr P J Yeo*  
***RECOMMENDED:***

1. ***THAT*** the applicant be requested to submit amended plans showing two 1,500 square metre+ lots and one 2,000 square metre+ lot (containing the existing dwelling) to the satisfaction of the Director, Environment & Planning, and that after receipt of satisfactory plans, consent be issued under delegated authority.
2. ***THAT*** those who made submissions be advised of Council's decision.

**The AMENDMENT was put and voting was tied at 6 all wherein the Mayor exercised his casting vote to defeat the AMENDMENT.**

**The MOTION was put and voting was tied at 6 all wherein the Mayor exercised his casting vote in favour of the MOTION.**

#### **VOTING ON THE MOTION**

**Voting for the Motion:** Clrs Lewis, King, M Murray, George, Campbell-Jones and Clr P Tuddenham

**Voting against the Motion:** Clrs Mauger, Gair, S Murray, Whipper, Clark and Yeo

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2. WP-EP4 S96(2) MODIFICATION TO COMMERCIAL DEVELOPMENT "CLARENCE HOUSE" ELIZABETH AND CLARENCE STREETS, MOSS VALE LUA05/0092

**Interest:** Clr P George declared a pecuniary interest in Item WP-EP4 as she is employed by the owner of the land in another of his businesses. She stated that she would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.

MOTION moved by *Clr T D Gair* and seconded by ---

THAT Council refused the S96(2) application for LUA03/0092 which seeks to increase commercial floor space without increasing available on-site car parking.

***MOTION LAPSED FOR WANT OF A SECONDER***

***MN 98/07***

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

***THAT the application be approved subject to payment by the applicant of a levy of \$8,469 per car parking space (totalling \$25,407) as per Council's Developer Contribution Scheme to address the car parking space shortfall.***

**PASSED**

**Dissenting Vote:** Clr T D Gair asked that his dissenting vote be recorded in respect of this motion.

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**GENERAL BUSINESS**

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**MATTER OF URGENCY**

1. WONGABRI DRAFT AMENDMENT TO THE LEP PN976100, PN 975700,  
PN 1753470

Clr M Murray wished to raise as a matter of urgency the appointment of a consultant for the Wongabri draft amendment to the LEP.

***MN 99/07***

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

***THAT the Wongabri draft amendment to the LEP be considered as a matter of urgency.***

**PASSED**

The Mayor ruled that this be considered as a Matter of Urgency.

***MN 100/07***

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

1. ***THAT Council, at the cost of the owner of Wongabri, engage a consultant (mutually agreed with the owner) to respond to the letter from the Department of Planning dated 28/2/07.***
2. ***THAT the response be presented to Council at the meeting to be held on Wednesday, 28 March 2007.***
3. ***THAT a letter be sent to the Department of Planning indicating that Council wishes to make a submission to the LEP Review Panel and upon receipt of a report will make an appointment to present to the LEP Review Board.***

**PASSED**

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**MATTER OF URGENCY**

2. **PROPOSAL TO PUMP WATER FROM WINGECARRIBEE SHIRE TO GOULBURN** 7790

Clr P George referred to the recent State Government decision to pump water from Wingecarribee Shire to Goulburn and requested that this matter be considered as a matter of urgency.

***MN 101/07***

***MOTION*** moved by *Clr P A George* and seconded by *Clr LAC Whipper*

***THAT*** the proposal to pump water from Wingecarribee Shire to Goulburn be considered as a matter of urgency.

***PASSED***

The Mayor ruled that this be considered as a Matter of Urgency.

***MN 102/07***

***MOTION*** moved by *Clr P A George* and seconded by *Clr LAC Whipper*:

***THAT*** Council raises concerns that it was not involved in the proposal to pump water from Wingecarribee Shire to Goulburn ***AND THAT*** it seeks further information on this matter.

***PASSED***

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3. ERADICATION OF FERAL CATS 5500/3.2

Clr P B Tuddenham referred to the powers of Council to be able to trap or eradicate feral cats and asked for a report on this matter to be brought to the next Ordinary Meeting of Council to be held on Wednesday, 28 March 2007.

The Director Environment & Planning stated that he would arrange for a report to be prepared.

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4. BULK WATER PRICES 7730/2

Clr J Mauger referred to Wingecarribee Dam bulk water prices and asked why are we paying twelve times more for our bulk water than, for example, Cowra.

Clr S H Murray stated that IPART sets the prices.

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5. PLANT NURSERY IN SPROULES LANE, GLENQUARRY LUA07/0103

Clr T D Gair tabled a letter he had received regarding a plant nursery in Sproules Lane, Glenquarry and asked for further information on this development.

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

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6. CLOSED COUNCIL 107/9

Clr G Lewis expressed his concern at closed items being heard at the beginning of the meeting and asked if Council would reconsider hearing these items on a trial basis at the set time of 7.15pm.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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



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### ADOPTION OF OPEN COUNCIL

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**MN 103/07**

107/10

**MOTION** moved by *Clr G Lewis* seconded by *Clr N N Campbell-Jones*:

**THAT** the recommendations of the Open Council held on Wednesday, 14 March 2007 being OC 34/07 to OC 65/07, be adopted.

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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



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THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.05PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 14 March 2007 numbered MN 92/07 to MN 103/07, were signed by me hereunder at the Council Meeting held on Wednesday, 28 March 2007.

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CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 28 MARCH 2007

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CHAIRMAN

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PUBLIC OFFICER



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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

