

# MINUTES

## OF THE ORDINARY MEETING OF COUNCIL

*File No. 100/07*



held on Wednesday, 9 May 2007

The meeting commenced at 3.02pm.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 9 May 2007



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**COMMENCING AT:** 3.02PM

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

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

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### PRAYER

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100/1

The meeting was opened in prayer led by Pastor Joshua Miller of Moss Vale Christian Church.

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### PUBLIC FORUM

Mr Peter Ellsmore requested and was granted permission to address Council on the following item in the agenda:

*o-TS1 – Auslink Roads to Recovery Program – Ellsmore Road*

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

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### APOLOGY

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PERS

***MN 156/07***

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

***THAT the apology of Clr J Mauger be accepted and leave of absence granted.***

***PASSED***

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## CONFIRMATION OF MINUTES

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON THURSDAY, 26 APRIL 2007.

100/1

**MN 157/07**

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

**THAT the minutes of the Ordinary Meeting of Council held on Thursday, 26 April 2007 MN 152/07 to MN 155/07 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. SHIRE WIDE ENVIRONMENT SURVEY 5602/13.1

Clr L A C Whipper referred to Item c-CR4 - Environment Committee minutes and the recommendation on page 20 to conduct an information session on the Shire Wide Environment Survey to discuss the financial and survey aspects. He stated that a meeting had been held today which six (6) councillors had attended.

**MN 158/07**

**MOTION** moved by Clr LAC Whipper and seconded by Clr M J Murray:

**THAT Council endorses the expenditure of \$25,000 (inclusive of GST) for a Shire Wide Environment Survey to be conducted by IRIS Research AND THAT funding for the survey be sourced from identified funds within the WOFE program.**

**PASSED**

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## DECLARATIONS OF INTEREST

101/3

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1. Clr M Murray declared a pecuniary interest in Item o-EP6 Revised Draft Shire-wide LEP in relation to the land in Westgrove Road and Devon Road in Exeter as it is near his property and the property of his children's grandfather. He stated he would leave the chamber when these matters were discussed in the LEP, take no part in the debate and refrain from voting thereon.
2. Clr P B Tuddenham declared a pecuniary interest in Item o-EP6 Revised Draft Shire-wide LEP in relation to any matters relating to the land in the commercial area of Mittagong due to his business being located there; to the land in Willow Vale as he resides in the area; and to the land in Range Road, Mittagong as his parents reside there. He stated he would leave the chamber when these matters were discussed in the LEP, take no part in the debate and refrain from voting thereon.
3. Clr S Murray declared a pecuniary interest in Item o-EP6 Revised Draft Shire-wide LEP in relation to any matters relating to land in the vicinity of Oxley Drive, Mittagong and matters relating to proposed changes to corner allotments as she owns a corner allotment in the area. She stated that she would leave the chamber when these matters were discussed in the LEP, take no part in the debate and refrain from voting thereon.
4. Clr S Murray declared a non-pecuniary interest in Item o-EP7 Retail shops, bowling alley, & function rooms, 68 Station Street, Bowral as she is a friend of the applicant. She stated that she would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
5. Clr P J Yeo declared a pecuniary interest in Item o-EP6 Revised Draft Shire-wide LEP in relation to any matters relating to the proposed extension to the Bowral conservation area and the proposed rezoning from medium density to a lower density for the street in which he resides. He stated he would leave the chamber when these matters were discussed in the LEP, take no part in the debate and refrain from voting thereon.
6. Clr T D Gair declared a pecuniary interest in Item o-EP6 Revised Draft Shire-wide LEP in relation to the land in Fitzroy Falls as he resides in the area. He stated that he would leave the chamber when this matter was discussed in the LEP, take no part in the debate and refrain from voting thereon.
7. Clr P George declared a pecuniary interest in Item o-EP6 Revised Draft Shire-wide LEP in relation to matters relating to Welby as she resides in the area. She stated that she would leave the chamber when this matter was discussed in the LEP, take no part in the debate and refrain from voting thereon.

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*Cont'd.....*

8. Clr N N Campbell-Jones declared a pecuniary interest in Item o-EP6 Revised Draft Shire-wide LEP in relation to the land in Yerrinbool as he resides in the area. He stated that he would leave the chamber when this matter was discussed in the LEP, take no part in the debate and refrain from voting thereon.
9. Clr M King declared a pecuniary interest in Item o-EP6 Revised Draft Shire-wide LEP in relation to the land in Wingello as she resides in the area. She stated that she would leave the chamber when this matter was discussed in the LEP, take no part in the debate and refrain from voting thereon.

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**MAYORAL MINUTE**

**c-MM1 World Youth Day 2008**

REF. MAYOR 1675, 1611 (cc 102/5)

Seeking support for the World Youth Day 2008 and the associated Journey of the Cross as it moves through Wingecarribee Shire.

***MN 159/07***

***MOTION moved by Clr G Lewis and seconded by Clr M L King:***

***THAT Council indicates its support for the World Youth Day 2008 and the associated Journey of the Cross as it moves through Wingecarribee Shire, with the level of involvement dictated by budgetary constraints.***

***PASSED***

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**PRESENTATION – BRIGADOON 2007 CIVIC RECEPTION**

The Mayor referred to the Civic Reception which was held on Friday, 27 April to welcome to Brigadoon 2007 Mr Neville Jemmett (former Convenor of Dunedin Scottish Heritage Week) and Mrs Pamela Jemmett, (President of the Dunedin/Edinburgh Sister City Society). At this reception Mr & Mrs Jemmett had presented two books entitled “*Getting Down to Business in Dunedin*” and “*Dunedin in Portrait*” as well as a City of Dunedin plaque which will be displayed in the Mayor’s office.

The Mayor also read a letter of greeting received from Mr Peter Chin, the Mayor of Dunedin, regarding Brigadoon 2007.

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**SUSPENSION OF STANDING ORDERS**

Clr P George requested that Standing Orders be suspended to allow Item o-TS1 AusLink Roads to Recovery Program – Ellsmore Road to be heard at this juncture in the meeting.

***MN 160/07***

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

***THAT standing orders be suspended to allow Item o-TS1 AusLink Roads to Recovery Program – Ellsmore Road to be considered at this juncture in the meeting.***

***PASSED***

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**OPEN COUNCIL**

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**MN 161/07**

107/10

**MOTION** moved by Cllr M J Murray and seconded by Cllr P A George:

**THAT** Council moves into Open Council to discuss various matters listed in the Agenda with Cllr P B Tuddenham in the Chair.

**PASSED**

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**OPEN COUNCIL**

**TECHNICAL SERVICES DIVISION**

**o-TS1 AusLink Roads to Recovery Program – Ellsmore Road**

REF: RTM

7801/2005

Reporting on the selection criteria used to prioritise and select projects for possible inclusion in the Roads to Recovery Program and advising Council on the priority for Ellsmore Road.

**OC 100/07**

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

- THAT the Work Program for year 3 and 4 of the AusLink Roads to Recovery Program be as follows:-**

**WORK PROGRAM FOR YEARS 3 AND 4 OF AUSLINK ROADS TO RECOVERY PROGRAM**

Year	Road	Description	Length	Estimate
2007	Tugalong Road, Canyonleigh	Construct pavement and seal from end of bitumen for 1km	1000m	\$250,000
2007	Nowra Road, Moss Vale	Rehabilitate from Illawarra Highway to Yarrawa Road	900m	\$250,000
2007	Carrington Falls Road, Robertson	Construct pavement and seal from Jamberoo Road to Shire Boundary	1530m	\$350,000
2008	Ellsmore Road, Bundanoon	Construct pavement and seal from Morgans Lane to Blue Gums Road	1000m	\$250,000
2008	Oxley Drive, Mittagong	Rehabilitate pavement between Bracken Street and Murchison Street	760m	\$200,000
<b>Provisional pending availability of funds</b>				
2008	Cavendish Street, Mittagong	Rehabilitate pavement between Old Bowral Road and Old Hume Highway	1000m	\$600,000

- THAT Council allocates \$33,000 from the 2007/08 IRS gravel resheeting program to the 600m section north of Middle Road, Exeter noting that the resheeting will extend from Middle Road to the back of Yarwood Drive.**
- THAT a further report be prepared once the quantity of funds remaining in the Roads to Recovery Program is known.**

**PASSED**



## 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 17/4/07 and 30/4/07.

#### **OC 101/07**

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

**THAT the information relating to Development Consent Nos 1-10 under Delegated Authority be received and noted.**

**PASSED**

### **o-EP2 List of Development Applications Received by Council**

REF: DCM

5302

Submitting list of development applications which have been received between 16/4/07 and 30/4/07, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

#### **OC 102/07**

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

**THAT the information regarding the List of Land Use Applications Nos 1-13 received by Council be received and noted.**

**PASSED**

Cont'd.....

Cont'd.....

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

1. 7 LOT SUBDIVISION, 21 SOUTH STREET, ROBERTSON LUA07/0424

Clr L A C Whipper referred to Item 12 and requested further information on this subdivision. He asked why this matter was not being referred to the Works & Planning Committee.

The Director Environment & Planning responded that the application is within staff delegation which would not require it to go to Works & Planning. However, he noted the request and stated that he would ensure that the matter is forwarded to the Works & Planning Committee for consideration.

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2. 3 LEVEL RESIDENTIAL APARTMENT BUILDING - COMMUNITY SCHEME  
SUBDIVISION – HERITAGE PARK, MOSS VALE ROAD, BOWRAL LUA07/0423

Clr N N Campbell-Jones referred to Item 11 and asked what height this 3 level apartment building would be.

Clr M King stated that she believed this significant development should be referred to Works & Planning in relation to any heritage issues that may be involved.

The Director Environment & Planning responded that the application is for the community title subdivision of what is already approved. However, he would make enquiries as to the height of the apartment building and what part of the development is actually 3 level. He also stated that he would confirm in the Weekly Circular which elements of the development were actually in the community allotment.

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3. ALTERATIONS/ADDITIONS/DEMOLITION – 10 THROSBY STREET  
MOSS VALE LUA07/0410

Clr M King referred to Item 6 and asked if there were any heritage items involved with this development.

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

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**o-EP3 Three Monthly Review of 'Tourist Facility' Penrose Road, Penrose**

REF: MC

LUA03/1303

Reporting on Council's review of an existing consent for a 'Tourist Facility' at Lot 116 DP 751259 Penrose Road, Penrose.

**OC 103/07**

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

1. ***THAT a full review of paintball operations inclusive of a review of all conditions of consent occur after a period of two (2) years taken from the issuing of a Firearms Permit, in accordance with Condition 38 of Council's amended consent.***
2. ***THAT Council permits the continued operation of paintball in the interim provided that the recommendations contained within the acoustic report prepared by Atkins Acoustics, including the relocation of metal clad buildings and additional mounding, are implemented within a period of one (1) month (by 9 June 2007), and strict compliance with Council's Conditions of Consent is observed by the operator.***

**PASSED**

**o-EP4 Proposed 28 Motel Units, Yarrowa Road, Moss Vale**

REF: MC

LUA07/0085

Reporting on a proposal for 28 motel units at Lots 17-20 DP 1102698 Yarrowa Street, Moss Vale.

**OC 104/07**

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

***THAT Council delegates authority to the Director, Environment & Planning to issue an appropriately worded and conditioned consent based upon the draft conditions forming Attachment 2 to this report, subject to Sydney Catchment Authority concurrence regarding stormwater disposal.***

**PASSED**



**o-EP5 Proposed Car Showroom, Workshop & Carparking, Argyle St, Moss Vale**

REF: DCM

LUA07/0094

Reporting on a proposed new car showroom, workshop and associated car parking provision including demolition of existing buildings and structures at Lot 1 DP 567743, Lot A DP 373138 and Lots 10 and 11 Section 1 DP 38, Nos. 543-549 Argyle Street, Moss Vale.

Clr M King asked that the matter be referred back to Council if there is any variation to the Signage DCP.

**OC 105/07**

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

1. **THAT Council delegates authority to the Director of Environment & Planning to issue an approval based upon the draft conditions of consent forming attachment 5 to this report.**
2. **THAT Condition 48(b)(i) of the Draft Conditions of Consent be amended to reflect 95 car parking spaces.**
3. **THAT Condition 44 of the Draft Conditions of Consent be amended to read "Street trees of a similar variety of existing trees and spacing be provided on the frontage to the development and be to the satisfaction of the Town Planner or Manager of Parks & Property".**

**PASSED**

**o-EP6 Revised Draft Shire-Wide LEP**

REF: SPM

5900

The purpose of this report is to present to Council the revised draft Shire-wide LEP for adoption.

**OC 106/07**

The Committee on a MOTION moved by Cllr P J Yeo and seconded by Cllr N N Campbell-Jones **RECOMMENDED:**

1. **THAT Council adopts the draft Shire-wide LEP with the exception of the following:**
  - (i) **any matters relating to the proposed extension to the Bowral conservation area;**
  - (ii) **the proposed rezoning from medium density to a lower density for Holly Street, Bowral;**
  - (iii) **any matters relating to the land in Yerrinbool;**
  - (iv) **any matters relating to the land in Fitzroy Falls;**
  - (v) **any matters relating to the land in Wingello;**
  - (vi) **any matters relating to the land in Westgrove Road and Devon Road in Exeter;**
  - (vii) **any matters relating to Welby;**
  - (viii) **any matters relating to land in the vicinity of Oxley Drive, Mittagong;**
  - (ix) **any matters relating to proposed changes to corner allotments;**
  - (x) **any matters relating to the land in the commercial area of Mittagong;**
  - (xi) **any matters relating to land in Willow Vale;**
  - (xii) **any matters relating to land in Range Road, Mittagong.**
2. **THAT the draft Shire-wide LEP be forwarded to the Department of Planning for the necessary permission to place on public exhibition.**

**PASSED**

.....Cont'd



Cont'd.....

- i). MATTERS RELATING TO THE PROPOSED EXTENSION TO THE BOWRAL CONSERVATION AREA;
- ii) THE PROPOSED REZONING FROM MEDIUM DENSITY TO A LOWER DENSITY FOR HOLLY STREET, BOWRAL.

Interest: Clr P J Yeo declared a pecuniary interest in any matters relating to the proposed extension to the Bowral conservation area and the proposed rezoning from medium density to a lower density for Holly Street, Bowral. He left the chamber, took no part in the debate and refrained from voting thereon.

**OC 107/07**

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

**THAT any matters relating to the proposed extension to the Bowral conservation area and to the proposed rezoning from medium density to a lower density for Holly Street, Bowral in the Revised Draft Shire-wide LEP be adopted.**

**PASSED**

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- iii) MATTERS RELATING TO THE LAND IN YERRINBOOL

Interest: Clr N N Campbell-Jones declared a pecuniary interest in relation to the land in Yerrinbool as he resides in the area. He left the chamber, took no part in the debate and refrained from voting thereon.

**OC 108/07**

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

**THAT any matters relating to the land in Yerrinbool in the Revised Draft Shire-wide LEP be adopted.**

**PASSED**



iv) ANY MATTERS RELATING TO THE LAND IN FITZROY FALLS

Interest: Clr T D Gair declared a pecuniary interest in matters relating to the land in Fitzroy Falls as he resides in the area. He left the chamber, took no part in the debate and refrained from voting thereon.

**OC 109/07**

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

***THAT*** any matters relating to the land in Fitzroy Falls in the Revised Draft Shire-wide LEP be adopted.

**PASSED**

v) ANY MATTERS RELATING TO THE LAND IN WINGELLO

Interest: Clr M King declared a pecuniary interest in relation to the land in Wingello as she resides in the area. She left the chamber, took no part in the debate and refrained from voting thereon.

**OC 110/07**

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

***THAT*** any matters relating to the land in Wingello in the Revised Draft Shire-wide LEP be adopted.

**PASSED**



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- vi) ANY MATTERS RELATING TO THE LAND IN WESTGROVE ROAD  
& DEVON ROAD, EXETER

**Interest:** Clr M Murray declared a pecuniary interest in relation to the land in Westgrove Road and Devon Road in Exeter as it is near his property and the property of his children's grandfather. He left the chamber, took no part in the debate and refrained from voting thereon.

**OC 111/07**

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

***THAT any matters relating to the land in Westgrove Road and Devon Road, Exeter in the Revised Draft Shire-wide LEP be adopted.***

**PASSED**

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- vii) ANY MATTERS RELATING TO WELBY

**Interest:** Clr P George declared a pecuniary interest in relation to matters relating to Welby as she resides in the area. She left the chamber, took no part in the debate and refrained from voting thereon.

**OC 112/07**

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

***THAT any matters relating to Welby in the Revised Draft Shire-wide LEP be adopted.***

**PASSED**

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- viii) ANY MATTERS RELATING TO LAND IN OXLEY DRIVE, MITTAGONG
- ix) ANY MATTERS RELATING TO PROPOSED CHANGES TO CORNER ALLOTMENTS

**Interest:** Clr S Murray declared a pecuniary interest in any matters relating to land in the vicinity of Oxley Drive, Mittagong and matters relating to proposed changes to corner allotments as she owns a corner allotment in the area. She left the chamber, took no part in the debate and refrained from voting thereon.

**OC 113/07**

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

***THAT any matters relating to land in Oxley Drive, Mittagong and any matters relating to proposed changes to corner allotments in the Revised Draft Shire-wide LEP be adopted.***

**PASSED**

- x) ANY MATTERS RELATING TO LAND IN THE COMMERCIAL AREA OF MITTAGONG
- xi) ANY MATTERS RELATING TO LAND IN WILLOW VALE
- xii) ANY MATTERS RELATING TO LAND IN RANGE ROAD

**Interest:** Clr P B Tuddenham declared a pecuniary interest in any matters relating to the land in the commercial area of Mittagong due to his business being located there; to the land in Willow Vale as he resides in the area; and to the land in Range Road, Mittagong as his parents reside there. He left the chamber, took no part in the debate and refrained from voting thereon.

The Mayor took the Chair while this matter was being considered.

**OC 114/07**

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

***THAT any matters relating to land in the commercial area of Mittagong, to land in Willow Vale and to land in Range Road, Mittagong in the Revised Draft Shire-wide LEP be adopted.***

**PASSED**

Clr P B Tuddenham resumed the Chair.



**o-EP7 Retail Shops, Bowling Alley, & Function Rooms, 68 Station Street, Bowral**

REF: DCM

LUA06/0348

LUA06/0348 has been received, seeking approval for demolition of an existing warehouse building and construction of new development containing retail shops, recreational facility (bowling alley) with function rooms and 20 space carpark at Lot 2 DP 1031671, 68 Station Street, Bowral.

**Interest:** Clr S Murray declared a non-pecuniary interest in this matter as she is a friend of the applicant. She left the chamber, took no part in the debate and refrained from voting thereon.

**OC 115/07**

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

**THAT the issues raised in this report be discussed at a Councillor Information Session convened by the General Manager.**

**PASSED**

**o-EP8 Proposed Driveway and Bridge, Headlam Road, Moss Vale**

REF: DCM

LUA06/1033

Reporting further on proposed driveway and bridge at Lot 1 DP 1033815 and Lot 3 DP 579578 Headlam Road, Moss Vale.

**OC 116/07**

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

1. ***THAT the application be approved, and development consent be issued containing appropriate conditions of consent.***
2. ***THAT those who made a submission be advised of Council's decision.***

**PASSED**

**o-EP9 Proposed Retail / Commercial Building & Carpark, Victoria Street, Bowral**

REF: DCM

LUA06/0879

Reporting further on the proposed retail / commercial building and carpark at Lot 3 DP 1104038 Victoria Street, Bowral.

**OC 117/07**

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

***THAT the information in relation to the proposed retail/commercial building and carpark in Victoria Street, Bowral be noted by Council.***

**PASSED**

**CORPORATE SERVICES DIVISION**

<b>c-CS1</b>	<b>GST Compliance Certificate</b>
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REF.	DCS	2140/9
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Submitting a request by the Department of Local Government for Council to provide a GST Compliance Certificate.

Clr T D Gair requested a status update on this matter.

The Director Corporate Services stated that he would provide this information in the Weekly Circular.

**OC 118/07**

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

**THAT the Mayor, Deputy Mayor, General Manager and responsible Accounting Officer sign the certificate as requested.**

**PASSED**

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<b>c-CS2</b>	<b>Committee Appointments &amp; Resignations</b>
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REF.	AOL
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107/1
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Reporting on Management Committee Appointments and Resignations.

**OC 119/07**

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

1. **THAT Josina Metcalfe be appointed to the Arts & Culture Board and that Ms Metcalfe be notified of Council's determination.**
2. **THAT Bevan Easy be appointed to the Wingecarribee Access Committee and that Mr Easy be notified of Council's determination.**
3. **THAT Council accepts with regret the resignation of Elizabeth Speers and Michael Fenton-Jones and Sarah Hennessy be appointed to the Companion Animals Advisory Committee**
4. **THAT Ms Speers, Mr Fenton-Jones and Ms Hennessy be notified of council's determination.**
5. **THAT the Arts & Culture Board, Wingecarribee Access Committee and Companion Animals Advisory Committee be notified of Council's determination.**

**PASSED**

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**REPORT OF DIRECTOR CORPORATE SERVICES**

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**o-CS3 Complaints Handling Policy**

REF.	MAS	800/3
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Reporting on a Complaints Handling Policy for consideration and adoption.

Clr M King stated that at the information session she believed it had been agreed that complaints had to be in writing only and not by telephone to save time and mishandling.

The Director Corporate Services stated that Clr King was correct and the internal General Manager's Practice Note will be amended accordingly.

Clr P George stated that it was not compulsory to have a person's name and address details and she believed this should be noted on the forms.

The Director Corporate Services stated that there will be a Privacy Statement on the back of the form and this could be included as part of that statement.

**OC 120/07**

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

**THAT the Complaints Handling Policy document, being Attachment 1 of the report, be adopted.**

**PASSED**

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**o-CS4 Investments as at 31 March 2007**

REF	FSM	2104
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Submitting details of Council's investments as at 31 March 2007.

**OC 121/07**

*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 March 2007 be received and noted.**

**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, 9 May 2007

**REPORT OF DIRECTOR TECHNICAL SERVICES**

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**TECHNICAL SERVICES DIVISION**

<b>o-TS1</b>	<b>AusLink Roads to Recovery Program – Ellsmore Road</b>
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REF:	RTM
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7801/2005
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This matter was considered earlier in the meeting (vide OC 100/07)

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**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.

**OC 122/07**

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

***THAT the information relating to Local Government Weekly Circulars Nos 16/07 and 17/07 and Council Weekly Circulars Nos 16/07 and 17/07 be noted.***

**PASSED**

**Matters Arising from Weekly Circulars**

1. DOUBTFUL DEBT WRITE-OFFS 2126

Clr P Yeo referred to Item 3 in Council Weekly Circular No 19/07 regarding doubtful debt write-offs and asked if this matter could be referred to the Legal Committee.

**OC 123/07**

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

***THAT the report on Doubtful Debt Write-offs be referred to the Legal Committee for discussion and comment by Council's solicitor.***

**PASSED**

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Cont'd.....

Cont'd.....

**Matters Arising from Weekly Circulars**

2. BUNNINGS BRAEMAR SIGNAGE LUA06/0843, 5700/33, 600/15, 5406/2

Clr N N Campbell-Jones referred to Item 4 on page 8 of Council Weekly Circular No. 19/07 and asked what Council was going to do about this signage.

The Director Environment & Planning responded that Council could technically request an application for this signage but had not pursued this at this point in time.

Clr Campbell-Jones stated he believed Council should write to the applicant and also come up with a firm policy on signage in the shire.

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3. DEMENTIA DAY RESPITE CENTRE FUNDRAISING DANCE 1855/29

Clr T D Gair referred to Item 6 on page 13 of Council Weekly Circular No. 19/07 regarding the gala dance to assist in the fundraising of the Wingecarribee Community Service Centre's internal fit-out. He invited all Councillors to attend the dance which will be held at the Moss Vale Services Club on Saturday, 19 May 2007.

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4. RECREATIONAL PATHWAY – CAALONG ST, ROBERTSON RD3645, 5701/5

Clr L A C Whipper referred to Item 11 on page 18 of Council Weekly Circular No. 19/07 regarding a recreational pathway along Caalong Street in Robertson. He asked if they would also put access up the steep incline on the northern side of North Street.

Clr Whipper stated that there were 3 or 4 houses that used this as a driveway and asked if there had been negotiations with the residents in relation to a shared access along that section of footpath.

The Roads & Traffic Manager responded that a shared driveway arrangement would be constructed. He stated that there were no issues that he knew of and that the shared access would meet accessibility requirements.

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Cont'd.....

5. SIGNAGE IN THE SHIRE LUA06/0843, 5700/33, 600/15, 5406/2

Clr S Murray asked if the Mayor and Deputy Mayor should meet with the Planning staff and the Rangers to convince them to take on board the Councillors' concerns and strong viewpoints about signage in the shire.

The General Manager responded that he had been copied on an email that the Head Ranger had issued to all Rangers last week which clearly indicated the steps they should take with regard to signage.

He added that the quantum of tasks put onto the Rangers was huge. They were working slowly and inexorably on issues like signage on trailers etc. but Council is waiting on a response from its solicitor as it needs to know if the Rangers have the legal powers to get tougher before taking further steps. He stated that operationally it is very seldom as simple as Councillors and the general public may think. Rangers have been quite clearly directed to act on this matter but there is a wide range of steps to go through before signs can be impounded or infringements issued.

The General Manager stated that Council needed to employ another Ranger just to keep up the regime of parking inspections. However, there is a logic that parking pays for itself which is not the case with signage issues.

**OC 124/07**

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

***THAT an Information Session be held with Councillors and the relevant Council staff regarding signage in the Shire.***

**PASSED**

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6. RESPONSE FROM INTEGRAL ENERGY 6322, 5700/33

Clr P George referred to Integral Energy's response to Council's letter regarding "Your Rights at Work" signs on power poles in which they state as follows:

*"Integral Energy has approached the responsible unions to remove the signs per our policy, however unions have passed a resolution that their members are not to remove the signs.*

*While Integral Energy will continue to take all reasonable steps to remove any signs from poles that are not authorised in accordance with our policies, we have no potential to remove these signs in an immediate timeframe."*

Clr George suggested that the letter from Integral Energy be sent to the media so that the public are made aware that Council does not condone signage being left up after a political election.

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 9 May 2007



**REPORT OF THE GENERAL MANAGER**

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**CHAIRPERSON**

At 4.40pm being the conclusion of Open Council, the Mayor, Cllr G Lewis, resumed the chair to conduct the remainder of Council business.

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**QUESTION WITH NOTICE**

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**OTHER MATTERS**

**QUESTION WITH NOTICE**

**c-QWN1 QWN 02/07 – Political Advertising Legal Costs**

REF.	GM	101/2
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Reporting on the Question with Notice raised by Clr J Mauger dated 26 April 2007 regarding Political Advertising Legal Costs.

***MN 162/07***

***MOTION moved by Clr T D Gair and seconded by Clr N N Campbell-Jones:***

***THAT this matter be deferred to the Ordinary Meeting of Council to be held on Wednesday, 13 June 2007 when Clr J Mauger is present.***

***PASSED***

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**COMMITTEE REPORTS TABLED**

<b>c-CR1 Management and Advisory Committee Reports</b>		
REF.	DCS	107/1

Submitting minutes of the following four (4) Committee meetings that will be tabled for information.

1. Welby Hall Management Committee meeting held Thursday 8 February 2007
2. Hampden Park Management Committee meeting held Wednesday 4 April 2007
3. Mittagong Memorial Hall Management Committee meeting held Thursday 5 April 2007
4. Access Committee meeting held Wednesday, 28 March 2007

***MN 163/07***

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

***THAT the information contained in the four (4) Committee Reports be noted.***

***PASSED***

**COMMITTEE REPORTS**

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**COMMITTEE REPORTS ATTACHED**

<b>c-CR2</b>	<b>Community Services Consultative Committee</b>
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REF	SPM	1800/17
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Submitting minutes of the Community Services Consultative Committee Meeting held on Tuesday, 3 April 2007

Clr P George requested details via the Weekly Circular on the makeup of the Project Management Committee mentioned in the recommendation on page 74 (Item 6, Moss Vale Community Service Centre Visitor Item).

**MN 164/07**

**MOTION** moved by Clr LAC Whipper and seconded by Clr M L King:

**THAT** the recommendations as detailed in minutes of the Community Services Consultative Committee Meeting held on Tuesday, 3 April 2007 be adopted.

**PASSED**

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<b>c-CR3</b>	<b>Legal Committee</b>
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REF	DEP	107/22
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Submitting minutes of the Legal Committee Meeting held on Wednesday, 26 April 2007.

**MN 165/07**

**MOTION** moved by Clr LAC Whipper and seconded by Clr M L King:

**THAT** the recommendations as detailed in the minutes of the Legal Committee Meeting held on Wednesday, 26 April 2007 be adopted.

**PASSED**

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**COMMITTEE REPORTS**

**c-CR4 Works & Planning Committee**

REF	DEP	
		107/23

Submitting minutes of the Works and Planning Committee Meeting held on Wednesday, 2 May 2007.

**MN 166/07**

**MOTION** moved by Clr LAC Whipper and seconded by Clr M L King:

**THAT recommendation Nos. WP-EP33/07 to WP-EP39/07 as detailed in the minutes of the Works & Planning Committee meeting held on Wednesday, 2 May 2007 be adopted with the exception of Item WP 38/07 – S82A Review of Boundary Adjustment in Yeola Road, Robertson.**

**PASSED**

1. S82A REVIEW OF BOUNDARY ADJUSTMENT IN YEOLA ROAD, ROBERTSON  
LUA06/0175

**MN 167/07**

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

**THAT Council supports the proposed subdivision with the property title(s) to be amended so as to restrict building envelopes to those locations presently occupied by the existing dwelling house and two rural workers' dwellings.**

**PASSED**

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



**c-CR5 Environment Committee**

REF	PPM	107/25, 5465/29.01
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Submitting minutes of the Environment Committee Meeting held on Wednesday, 18 April 2007.

**MN 168/07**

**MOTION** moved by Clr LAC Whipper and seconded by Clr M L King :

**THAT recommendation Nos 1 to 3 as detailed in the minutes of the Environment Committee Meeting held on Wednesday, 18 April 2007 be adopted with the exception of Recommendation 2 – Landscaping Plan Vegetation List Review.**

**PASSED**

1. LANDSCAPING PLAN VEGETATION LIST REVIEW 6900, 5300/15

Clr N N Campbell-Jones requested clarification regarding the second paragraph at the top of page 89 which states:

*“As a result of previous observations with developments within the Shire, the Committee discussed the creation of a booklet for all developers, business owners, landholders, Council Officer’s and the general public. The booklet would be a compilation of information currently in other publications and cover what is recommended and not recommended to be planted within this diverse Shire. Plants that are suited for each of the areas and a list of plants that are considered environmental weeds would assist in the creation of any landscaping plans prior to the lodging of the LUA”.*

Clr Campbell-Jones asked if this included trees or related only to plants.

Clr L A C Whipper stated that he would take this matter back to the Environment Committee for clarification.

**MN 169/07**

**MOTION** moved by Clr N N Campbell-Jones and seconded by Clr LAC Whipper:

**THAT noxious and environmental weed lists be available to Council officers and the general public on the website and in hard copy to assist in ensuring that the most appropriate plant species are included in landscaping plans submitted to and approved by Council.**

**PASSED**

**GENERAL BUSINESS**

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**GENERAL BUSINESS**

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1. ROAD WIDENING & EXTENSION OF BLUE GUM ROAD, BUNDANOON RD 1809

Clr J Clark referred to the road widening and extension of Blue Gum Rd in Bundanoon and stated that he had been asked by a resident whether Council would be fulfilling its statutory requirements of a review of environmental factors and if necessary, a Special Impact Statement for that road widening especially as there is an ecologically endangered community there.

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

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2. LOSS OF HALF A ROAD DURING MITTAGONG CENTRAL DEVELOPMENT RD 3131

Clr N N Campbell-Jones referred to the previous question he had raised at the Ordinary Meeting of Council held on Thursday, 26 April 2007 and stated that the road is still missing. It was continuously used by buses carrying older people who pull up at the bus bay and make use of the amenities. He stated that no buses can go in there now and asked how long Council would allow this development to close down the road.

The Director Environment & Planning advised that he is awaiting a reply from the applicant and has asked staff to inspect the site. He believed buses can bypass the lane and use Station Street to get to the same spot along the street where they normally park at the edge of the park. He stated that it is a matter of determining what work is still outstanding and programming the appropriate time for rectification.

The General Manager stated that Council is pursuing an answer but has to know what the applicant plans to do. When it receives this information it will be passed back to Councillors. If it is considered to be a reasonable request we will make a recommendation. If it is not reasonable and requires an immediate response at a large expense it will be the Councillors' call.

The Director Environment & Planning responded that he would follow this matter up again as a matter of urgency.

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3. HIGHWAY SIGNS 7415/5

Clr M King stated that she understood the Shire's highway signs were going to include a photo rather than just a white background with the logo.

The General Manager advised that this is the best Council has been able to negotiate and is ultimately what we wanted. In the future perhaps the position will change but we are currently getting something that has not been allowed in the past.

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4. PAVING OUTSIDE WINGELLO GENERAL STORE 7810/5.3

Clr M King expressed her thanks and passed on the community's gratitude to Council staff for the excellent job they did in paving outside the Wingello General Store.

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5. BURRAWANG DEVELOPMENT NON COMPLIANCE 5210/5

Clr P B Tuddenham stated that he had received a letter from a Burrawang resident regarding an adjoining development that was not following standard conditions. He handed this letter to the Director Environment & Planning and asked for it to be followed up.

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

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6. SKINS SHED 6535/6, 107/16

Clr P B Tuddenham asked for a status update on the skins shed.

The Director Environment & Planning responded that he would provide an answer in the Weekly Circular but believed that a Development Application was required which will be prepared by Parks & Property.

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7. SAFETY VESTS 710/4

The Mayor referred to the proposed distribution of safety vests for use by Councillors and staff when they were out on inspections. In light of the recent "near miss" experienced by Councillors on Works & Planning inspections he asked if these vests could be distributed as soon as possible.

The Roads & Traffic Manager stated that he would investigate this matter.

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**QUESTIONS FROM THE PUBLIC**

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1. TOILET IN OXLEY MALL CARPARK 7145/1

Mr Terry Oakes Ash referred to the main male toilet in Oxley Mall car park in Bowral which is shut and out of order. It has been like this for two weeks and he asked when it would be repaired and what would be done about the graffiti on the walls which is getting worse.

The Roads & Traffic Manager stated that he would ask the Parks & Property Manager to investigate this matter.

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2. REVISED DRAFT SHIRE WIDE LEP 5900

Mr Charlie Johns referred to Item o-EP6 Revised Draft Shire-wide LEP and stated that it is noted on the bottom of page 24 of the business paper that Council does not support the request of the Planning Department to permit sex service premises in at least one zone in the new Draft Shire Wide LEP. Mr Johns stated that he believed this left the public totally unclear on whether it meant that Council would not accept a DA for a brothel and adult shop in Wingecarribee Shire or whether someone would have to go through a long drawn out test case.

He suggested that if Council would not support a zoning for brothels or adult shops wasn't it leaving the Shire open to illegally operated businesses.

The Mayor stated that this question would be taken on notice.

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3. INLAND PORT 1600/18, 5602/11

Mrs Pam Cooper stated that she had attended the Inland Port public seminar on Tuesday, 8 May at which a question had arisen regarding the Sydney–Canberra corridor. From the answer given at the seminar she understood that this concept had been scrapped by the NSW State Government. She asked if this was correct and if so when did it happen.

The General Manager stated that the concept had not been scrapped and that he and the Economic Development Manager were working with the Premier's Department to make sure that the Sydney-Canberra corridor survived.

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4. HIGHLANDS HOMEMAKER CENTRE

LUA06/1282

Mr Bill Watson stated that at the Ordinary Meeting of Council held on Thursday, 26 April 2007 he had asked a question regarding the overlaying of the building footprint plan to site plan and the position of 7a / 4b zoning in respect to the footprint. At that meeting the Director Environment & Planning had offered to review this matter and he asked what the result of that review had been.

The Director Environment & Planning responded that he had provided some information to Mr Ibrahim and Mr Saxton who had asked the same question. He stated that he has looked at the overlay and related that to the gazetted LEP plan that created that zone. His conclusion was that the development application is appropriately located and within an acceptable margin of error for the zoning having regard to when the plan is transposed onto the zoning area.

In his opinion there was no problem with the zoning and he stated he would be happy to provide the same information to Mr Watson that he had provided to the other parties.

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5. PROPOSED LEASE OF 73 STATION STREET, BOWRAL

PN 1700777

A constituent referred to the proposed lease of 73 Station Street, Bowral and asked whether a final decision had been made on this property.

The General Manager responded that this matter was the subject of a confidential report later in the meeting. He advised the constituent that he could wait outside the chamber while Council considered this matter and be advised of the outcome after it had been considered.

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## CORPORATE SERVICES DIVISION

c-CS1	Closed Council
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REF.	DCS	107/9
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To consider moving into Closed Council.

At this juncture, the time being 5.30pm, pursuant to section 10A(4) of the Local Government Act 1993, the Mayor offered the opportunity to members of the public to make representations to Council as to whether the item in 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 the opinion of the General Manager that 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 170/07**

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

1. **THAT** Council moves 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 PROPOSED LEASE OF COUNCIL HOUSE, 73 STATION ST, BOWRAL PN227500**

**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 1993.*

**Brief Description**

*Submitting report on expressions of interest for the lease of a Council owned property 73 Station Street at Bowral.*

**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 MANAGERS REPORT

### GM-1 Proposed Lease of Council House, 73 Station Street Bowral

REF: DEP

PN 1700777

#### 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

Submitting report on expressions of interest for the lease of a Council owned property 73 Station Street at Bowral.

#### 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 P J Yeo seconded by Clr LAC Whipper  
**RECOMMENDED**

1. **THAT the offer of the lease formally be made to John Jeffery Engineering Pty Ltd following the lodgment and approval of a Land Use application AND THAT the issue of a lease agreement be executed under the Common Seal of the Council.**
2. **THAT the term of the lease be for an initial period of three (3) years with an option of a further two (2) years.**
3. **THAT the first year of the lease be rent free with the applicant responsible for the upgrade of the premises to a determined standard during this period with rental in the second year to be \$25,000 inclusive of GST to increase annually by the consumer price index.**
4. **THAT all outgoings for the property during the term of the Lease be paid by the Lessee.**
5. **THAT John Jeffery Engineering Pty Limited be requested to submit his development application within six (6) weeks of Council's decision.**

**PASSED**

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**OPEN COUNCIL**

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**MN 171/07**

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

**THAT Council moves back into Open Council.**

**PASSED**

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**ADOPTION OF CLOSED COUNCIL**

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107/9

**MN 172/07**

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

**THAT the recommendations of the Closed Council held on Wednesday, 9 May 2007  
GM - 1, be adopted.**

**PASSED**

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**ADOPTION OF OPEN COUNCIL**

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107/10

**MN 173/07**

**MOTION** moved by seconded by :

**THAT the recommendations of the Open Council held on Wednesday, 9 May 2007  
being OC 100/07 to OC 124/07, be adopted.**

**PASSED**

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**MATTER OF URGENCY**

6613/3

Clr N N Campbell-Jones requested that the Southern Highlands Regional Shooting Complex at Hill Top be considered as a Matter of Urgency.

***MN 174/07***

***MOTION*** moved by Clr N N Campbell-Jones seconded by Clr LAC Whipper:

***THAT*** the Southern Highlands Regional Shooting Complex at Hill Top be considered as a matter of urgency.

***PASSED***

The Mayor ruled that this be considered a matter of urgency.

***MN 175/07***

***MOTION*** moved by Clr N N Campbell-Jones seconded by Clr LAC Whipper:

1. ***THAT*** the Department of Sport & Recreation be asked to reconsider its proposal of the Southern Highlands Regional Shooting Complex at Hill Top.
2. ***THAT*** if the Department of Sport & Recreation will not reconsider the matter, Council requests the Minister for Planning to extend the public exhibition period to two (2) months.

***PASSED***



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 9 May 2007



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THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.00PM.

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 9 May 2007 numbered M/N 156/07 to M/N 175/07, were signed by me hereunder at the Council Meeting held on Wednesday, 23 May 2007.

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CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 23 MAY 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, 9 May 2007

