

# MINUTES

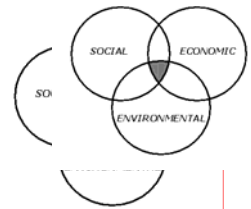
## OF THE ORDINARY MEETING OF COUNCIL

*File No. 100/07*



held on Wednesday, 11 July 2007

The meeting commenced at 3.04pm.



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**COMMENCING AT:** 3.04pm

**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 J E Mauger, Clr P B Tuddenham,  
Clr L A C Whipper and Clr P Yeo

**IN ATTENDANCE:** Acting General Manager (Barry W Paull), 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 Reverend Steven North of Moss Vale Presbyterian Church.

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**THE PASSING OF MR PETER FAHEY**

The Mayor advised Councillors that he had today attended the funeral of the late Peter Fahey. Peter had been an employee of Council from 1975 until his retirement in 2003 and was a lifelong resident of the shire, being a keen cricketer and a dedicated supporter of cricket and rugby league.

The Mayor asked those Councillors, staff and members of the public present at the meeting to stand and observe one minute's silence as a mark of respect for Mr Fahey.

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**APOLOGY**

PERS

***MN 224/07***

***MOTION moved by Clr T D Gair and seconded by Clr J E Mauger:***

***THAT the apologies of Clrs S H Murray, M King and M Murray be accepted and leave of absence granted.***

***PASSED***

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## WELCOME

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The Mayor welcomed Ms Debbie Richards to the Media Table. Debbie is Joint Editor of "Your Times" which is a relatively new publication in the Shire.

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## CONFIRMATION OF MINUTES

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 27 JUNE 2007

100/1

***MN 225/07***

***MOTION moved by Clr LAC Whipper and seconded by Clr P J Yeo:***

***THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 27 June 2007 MN 204/07 to MN 223/07 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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## DECLARATIONS OF INTEREST

101/3

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1. Clr P A George declared a non-pecuniary interest in Item o-EP5 (*Request to Release Restriction on use of Land, Foldgarth Estate*) as two of the companies involved in the development had made a donation to her team's election campaign in 2004. She stated she would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.
  2. Clr P George declared a non-pecuniary interest in Item c-CR7 *Minutes of the Moss Vale Master Plan Committee (General Business Item regarding carparking on page 63)* as she is employed by the owner of the development north of Tuckerbag 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.
  3. Clr N N Campbell-Jones declared a pecuniary interest in Item o-EP5 (*Request to Release Restriction on use of land, Foldgarth Estate*) as his son is the selling agent for the development. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
  4. Clr G Lewis declared a non-pecuniary interest in Item o-CS1 (*Lease of Berrima Museum, Lot 1 Deposited Plan 854821 Old Hume Highway at Berrima*) as he is a patron of the Berrima District Historical & Family History Society. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
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## **CORRESPONDENCE RECEIVED**

1430/2, 2211

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The Mayor referred to two items of correspondence received from Mr Matt Brown MP as follows:

1. A letter regarding Council's endeavours to acquire Old Bowral Court House for community use and its inability to do so at full market price. In the letter Matt Brown states that he has made representations on this matter to the Hon. Tony Kelly, MLC (Minister for Lands, Minister for Rural Affairs and Minister for Regional Development) asking him to investigate possibilities for providing the site to Council.
  2. A letter regarding Pensioner Rate Rebates in which Mr Brown states that he supports a review of the current system and has made representations to Paul Lynch, MP (Minister for Local Government, Minister for Aboriginal Affairs and Minister Assisting the Minister for Health (Mental Health)) to request that a review of the pensioner rebate system take place.
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## **SUSPENSION OF STANDING ORDERS**

The Mayor requested that Standing Orders be suspended to allow Item o-EP5 Request to Release Restriction on use of Land, Foldgarth Estate to be heard at this juncture in the meeting.

***MN 226/07***

***MOTION moved by Clr G Lewis and seconded by Clr P A George:***

***THAT standing orders be suspended to allow Item o-EP5 Request to Release Restriction on use of Land, Foldgarth Estate to be considered at this juncture in the meeting.***

***PASSED***

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OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

o-EP5 Request to Release Restriction on use of Land, Foldgarth Estate

REF: DEP

LUA04/1127

Reporting further on request to Council to release restriction on land, The Foldgarth Estate, Sunninghill Avenue, Burradoo.

Interest: Clr N N Campbell-Jones declared a pecuniary interest in this matter as his son is the selling agent for the development. He left the chamber, took no part in the debate and refrain from voting thereon.

The Director Environment & Planning, Mr Scott Lee, tabled emailed correspondence received from Wilshire Webb Staunton Beattie in relation to this matter.

**MN 227/07**

**MOTION** moved by Clr P B Tuddenham and seconded by Clr P A George:

**THAT the Mayor and General Manager be granted authority to execute the Release on Restriction of Use of Lots 12, 13, 14 and 17 DP 1102306 Sunninghill Avenue, Burradoo under the Common Seal of Council**

**AMENDMENT** moved by Clr J E Mauger and seconded by Clr T D Gair:

THAT before Council approves the removal of the 88b restriction as to user it seeks a further geotechnical survey of the modified landscape to confirm that it is not likely to be subject to landslip AND THAT the cost of this survey be paid for by the developer.

**LOST**

**MOTION PASSED**

**Dissenting Vote:** Clr Mauger requested that his dissenting vote be recorded in respect of this motion.

**MN 228/07**

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

**THAT the legal issues associated with this matter be referred to the Legal Committee for consideration AND THAT the allegations made by Clr J Mauger be further pursued in relation to the original approval and the need for a further geotechnical study and report.**

**PASSED**



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**OPEN COUNCIL**

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**MN 229/07**

107/10

**MOTION** moved by Clr J R Clark and seconded by Clr P J Yeo:

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

**PASSED**

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**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 20/6/07 and 4/7/07.

**OC 192/07**

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

**THAT the information relating to Development Consent Nos 1-6 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 18/6/07 and 3/7/07, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

**OC 193/07**

*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 1-16 received by Council be received and noted.**

**PASSED**

.....Cont'd

Cont'd....

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

1. ADDITION OF POWDER ROOM, LINKS ROAD, BURRADOO LUA07/0634

Clr P George referred to Item 5 and asked for a definition of the term "powder room".

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

2. PROPOSED 2 LOT SUB-DIVISION, "ROWANDALE FARM"  
CAMERON'S LANE, ROBERTSON LUA07/0488

Clr J Mauger referred to the proposed sub-division in Cameron's Lane, Robertson and asked if this had been dealt with or would it be referred to Council at a later stage for Councillors to make comment.

Clr N N Campbell-Jones advised that further information on this subdivision would be included in a future Weekly Circular.

3. DEMOLISH EXISTING NURSING HOME – "THE ABBEY"  
RANGE ROAD, MITTAGONG LUA07/0675

The Mayor referred to Item 12 and asked if this matter would be referred to the Works & Planning committee.

The Director Environment & Planning advised this was a significant application which had only recently been lodged and it would probably be referred for consideration to the Works & Planning meeting on Wednesday, 5 September 2007).

4. 4 LOT STRATA SUB-DIVISION, 3 DERBY STREET, BOWRAL LUA07/0682

The Mayor referred to Item 15 and stated that he believed there were conflicting reports regarding neighbour notification. He asked if these had been clarified.

The Director Environment & Planning responded that it was only a strata subdivision and neighbour notification would not normally be carried out. However, he stated that he would provide details in the Weekly Circular.

**o-EP3 Land Use Applications Received**

REF: DCM 5302

Submitting list of Land Use applications received under delegated authority of the Director of Environment & Planning for the month of June 2007.

**OC 194/07**

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

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

**PASSED**

**o-EP4 Public exhibition of Draft Amendments to DCP 54 – Exeter – relating to the Vine Lodge and Exeter Quarry sites**

REF: SPM 5700/54

The purpose of this report is to inform Council of the results of the public exhibition of draft amendments to DCP 54 – Exeter – to include the Exeter Quarry site.

**OC 195/07**

*The Committee on a MOTION moved by Cllr LAC Whipper Cllr P A George and seconded by*  
**RECOMMENDED:**

1. **THAT the amended DCP 54, as exhibited, be adopted and implemented in accordance with the provisions of the Environmental Planning and Assessment Act & Regulation.**
2. **THAT the owners be notified of Council's decision.**

**PASSED**

**o-EP5 Request to Release Restriction on use of Land, Foldgarth Estate**

REF: DEP LUA04/1127

This matter was considered earlier in the meeting (vide MN 227/07).

## CORPORATE SERVICES DIVISION

o-CS1	Lease of Berrima Museum, Lot 1 Deposited Plan 854821 Old Hume Highway, Berrima
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Ref.	PO	7152, 1688/1, 7120/2
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Reporting on proposal to lease the Berrima Museum, being part of Lot 1 Deposited Plan 854821 Old Hume Highway at Berrima to the Berrima District Historical & Family History Society Incorporated.

**Interest:** The Mayor declared a non-pecuniary interest in this matter as he is a patron of the Berrima District Historical & Family History Society. He left the chamber, took no part in the debate and refrained from voting thereon.

### OC 196/07

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

1. **THAT Council enters into an agreement to lease the premises and land known as Berrima Museum, being Lot 1 Deposited Plan 854821 Old Hume Highway Berrima to the Berrima District Historical & Family History Society Incorporated, for a period of twenty one (21) years at a nominal rental of \$1.00 per annum.**
2. **THAT the permitted use of the property is noted as being archiving, storage, display and administration of matters relating to the operations of the Berrima District Historical and Family History Society Incorporated or any other purpose that is allowed in the premises by the Plan of Management for Lot 1 Deposited Plan 854821.**

**PASSED**

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**o-CS2 Deed of Agreement – Southern Councils Group**

REF: MAS

205, 205/3, 207

Reporting on request from Kiama Municipal Council to enter a formal Deed of Agreement which will formalise Kiama Council's role as manager of the Southern Council's Group and authorise it to act on behalf of the Group.

**OC 197/07**

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

1. ***THAT Council enters into an a Deed of Agreement with Kiama Municipal Council to confirm its role as manager for the Southern Councils Group and provide a formalised structure which will allow Kiama Council to act on behalf of the Group.***
2. ***THAT this Deed of Agreement be executed under the Common Seal of Council.***

**PASSED**

**o-CS3 LGSA Request For Assistance With Legal Costs**

REF. DCS

207, 203/4

Reporting on correspondence received from the Local Government and Shires Association of NSW regarding a request on behalf of Bankstown City Council for assistance with legal costs for the sum of \$12,112.27 (free of GST) concerning provisions under Section 733 of the Local Government Act 1993.

The Mayor requested that Council seeks advice in regard to the number of Councils that supported this request.

**OC 198/07**

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

1. ***THAT the request for contributions towards legal costs incurred by Bankstown City Council in the sum of \$12,112.27 be approved.***
2. ***THAT funding in relation to (1) above be allocated from Council's contingency vote.***

**PASSED**

**o-CS4 The Rating Structure for 2007/08 Financial Year**

REF: FSM 2210, 2210/5, 2210/6, 2210/8, 2210/9

Submitting a report on the implementation of a rating structure to be applied for the 2007/08 financial year.

The Acting General Manager, Barry W Paull, advised Council of the following corrections to the report in that in the second paragraph on page 20 of the business paper 1 July 2007 should read 1 July 2006 and 2006/07 should read 2006. He distributed to Councillors the amendments to Recommendation 4 on page 22 of the business paper and the addition of Recommendation 5.

**OC 199/07**

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

1. **THAT Council sets its general rates for 2007/08 in accordance with the 9.56 percentage variation approved by the Minister for Local Government.**
2. **THAT the Ad Valorems and minimum rates be set for Residential, Farmland, Business and Mining categories to maintain the percentage yield from each of these rating categories at the same level as were levied in 2006/07.**
3. **THAT Council makes the following rates in the dollar, minimum rates and base rates for the 2007/08 financial year:**
  - (i) **An ordinary rate zero point zero zero two five five five cents in the dollar, subject to a minimum rate in accordance with Section 548 of the Act, of four hundred and ninety nine dollars thirty cents per assessment on all rateable land categorised as residential in accordance with Section 516 of the Local Government Act, 1993 be now made for the period 1 July, 2007 to 30 June, 2008 and in accordance with Section 543(1) of the said Act, this rate will be Residential.**
  - (ii) **An ordinary rate zero point zero zero one four five nine cents in the dollar, subject to a minimum rate in accordance with Section 548 of the Act, of seven hundred and twenty eight dollars and eighty five cents per assessment on all rateable land categorised as farmland in accordance with Section 515 of the Local Government Act, 1993 be now made for the period 1 July, 2007 to 30 June, 2008 and in accordance with Section 543(1) of the said Act, this rate will be Farmland.**
  - (iii) **An ordinary rate zero point zero zero four seven two two cents in the dollar, subject to a minimum rate in accordance with Section 548 of the Act, of four hundred and ninety nine dollars thirty cents per assessment on all rateable land used or zoned for professional, commercial trade or industrial purposed and categorised as business, sub category ordinary in accordance with Section 529(1) of the Local Government Act, 1993 be now made for the period 1 July, 2007 to 30 June, 2008 and in accordance with Section 543(1) of the said Act, this rate will be Business - Ordinary.**

Cont'd.....

- (iv) **An ordinary rate zero point zero zero one seven one cents in the dollar, subject to a minimum rate in accordance with Section 548 of the Act, of four hundred and ninety nine dollars thirty cents per assessment on all rateable land categorised as business, sub category inactive in accordance with Section 529(1) of the Local Government Act, 1993 be now made for the period 1 July, 2007 to 30 June, 2008 and in accordance with Section 543(1) of the said Act, this rate will be Business - Inactive.**
- (v) **An ordinary rate zero point zero zero nine eight seven five cents in the dollar, subject to a minimum rate in accordance with Section 548 of the Act, of four hundred and ninety nine dollars thirty cents per assessment on all rateable land categorised as mining sub category Ordinary in accordance with Section 517 of the Local Government Act, 1993 be now made for the period 1 July, 2007 to 30 June, 2008 and in accordance with Section 543(1) of the said Act, this rate will be Mining Ordinary.**
- (vi) **An ordinary rate zero point zero zero zero seven eight five cents in the dollar, and not subject to a minimum rate, on all rateable land categorised as mining sub category coal rights only in accordance with Section 517 of the Local Government Act, 1993 be now made for the period 1 July, 2007 to 30 June, 2008 and in accordance with Section 543(1) of the said Act, this rate will be Mining-Coal Rights.**
- (vii) **A special rate of zero point zero zero zero zero four six six five (0.00004665) cents in the dollar subject to a base rate in accordance with Section 537 of the Act of sixteen dollars and eighty three cents (\$16.83) per assessment on all rateable land for all rating categories in accordance to Section 495 of the Act be now made for the period 1 July 2007 to 30 June 2008, this rate will be Wingecarribee Our Future Environment Levy.**
4. **THAT Council makes and levies an annual charge for domestic waste management service for the 2007/08 financial year as follows:**
- (i) **Two hundred and sixty eight dollars for a weekly domestic waste service.**
- (ii) **Two hundred and twenty dollars for a fortnightly domestic waste service.**
- (iii) **One hundred and thirty five dollars for an additional domestic waste service.**
- (iv) **Eighteen dollars for vacant land.**
5. **THAT Council amends its 2007/08 budget to include a supplementary vote of \$1,226 588.00 for the IRS program and include an offsetting supplementary vote in rate revenue to reflect the Minister's approval of Council's special rate variation application.**

**PASSED**

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## TECHNICAL SERVICES DIVISION

### o-TS1 Swimming Centres

REF: PPM

6700, 6700/4

Reporting on the recommendations of the operation of the Shire's Swimming Centres for the 2007-2008 Season.

It was noted that a recommendation for the extension of pool hours on hot days should be included (see Recommendation 6(c)).

### OC 200/07

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

#### 1. Cost of Admission

**THAT the following fee structure be adopted for Council's Swimming Centres.**

<b>ADULT</b>	<b>\$3.50</b>
<b>CHILD (under 18 years)</b>	<b>\$2.50</b>
<b>CONCESSION (Cardholder)</b>	<b>\$2.50</b>
<b>SPECTATOR (is defined as a guardian or direct relative accompanying or attending a child's activity at the Swimming Centre except Learn to Swim &amp; squad training)</b>	<b>\$1.50</b>
<b>Children under 3</b>	<b>Free</b>
<b>SEASON FAMILY TICKET (unlimited family size)</b>	<b>\$400.00</b>

**Pass Outs be available for School Children under 16 years of age during School Holidays**

#### 2. Multiple Entry Tickets

**THAT the multiple entry cards be as follows:-**

<b>20 Tickets</b>	<b>\$2.50</b>	<b>\$50.00 a book</b>
<b>50 Tickets</b>	<b>\$2.00</b>	<b>\$100.00 a book and</b>

**THAT tickets are not refundable and not transferable between swimming seasons.**

3. **After Hours Usage**

- a. **THAT** prior to commencement of the season all user groups wishing to use the Centres after hours attend an information session so that their needs and Council's conditions can be addressed.
- b. **THAT** Council charges the standard admission fees for after hours usage of the pools.
- c. **THAT** all user groups confirm their program formally prior to the season.

4. **School Activity/Carnival Booking – School Concessions – Adjustment of Entry Cost for Swimming Carnivals and School Swimming Activities**

- a. **THAT** a flat entry fee for students for carnivals and organised school activities be \$2.00 and \$1.50 for spectators be applied.
- b. **THAT** a booking fee of \$60.00 per event which includes staff entry fees be adopted.
- c. **THAT** the booking fee be applicable where the school group requests to have exclusive use of the centre.

5. **Season Length and Duration**

- a. **THAT** the Mittagong Swimming Centre season be 21 weeks commencing on Saturday 13 October 2007 and close on 11 March 2008;
- b. **THAT** the Moss Vale and Bundanoon Swimming Centre's seasons be 18 weeks commencing on Saturday 10 November 2007 and close on Sunday 16 March 2008;
- c. **THAT** the Bowral Swimming Centre season be 20 weeks commencing Saturday 3 November 2007 and close on Sunday 23 March 2008;
- d. **THAT** the Swimming Centres be open each day of the swimming season excluding Christmas Day and Boxing Day;
- e. **THAT** only Mittagong Swimming Centre be open on Boxing Day.

**6. Opening and Closing Time of the Centres**

**a. THAT the opening hours for each Swimming Centre be as follows:**

<i>Mittagong</i>		<i>Bowral</i>	
<i>Monday</i>	<i>6am - 9pm</i>	<i>Monday</i>	<i>6am - 6pm</i>
<i>Tuesday</i>	<i>9am - 9.30pm</i>	<i>Tuesday</i>	<i>6am - 6pm</i>
<i>Wednesday</i>	<i>6am - 6pm</i>	<i>Wednesday</i>	<i>6am - 6pm</i>
<i>Thursday</i>	<i>9am - 6pm</i>	<i>Thursday</i>	<i>6am - 6pm</i>
<i>Friday</i>	<i>6am - 8pm</i>	<i>Friday</i>	<i>6am - 6pm</i>
<i>Saturday</i>	<i>9am - 6pm</i>	<i>Saturday</i>	<i>9am - 6pm</i>
<i>Sunday &amp; PH</i>	<i>10am - 6pm</i>	<i>Sunday &amp; PH</i>	<i>10am - 6pm</i>

<i>Bundanoon</i>		<i>Moss Vale</i>	
<i>Monday</i>	<i>6am - 10am &amp; 2pm - 6pm</i>	<i>Monday</i>	<i>6am - 6pm</i>
<i>Tuesday</i>	<i>10am - 6.00pm</i>	<i>Tuesday</i>	<i>9am - 6pm</i>
<i>Wednesday</i>	<i>6am - 10am &amp; 2pm - 8pm</i>	<i>Wednesday</i>	<i>6am - 6pm</i>
<i>Thursday</i>	<i>10am - 6pm</i>	<i>Thursday</i>	<i>9am - 6pm</i>
<i>Friday</i>	<i>10am - 6pm</i>	<i>Friday</i>	<i>6am - 8pm</i>
<i>Saturday</i>	<i>9am - 6pm</i>	<i>Saturday</i>	<i>9am - 6pm</i>
<i>Sunday &amp; PH</i>	<i>10am - 6pm</i>	<i>Sunday &amp; PH</i>	<i>10am - 6pm</i>

**b. THAT all pools will remain open to 6pm, conditional that at 5pm should patronage be less than 20 people (10 at Bundanoon) and the air temperature is below 17 degrees celsius, the pool supervisors may close the pools at 5pm.**

**c. THAT extension of pool hours on extremely hot days be in accordance with Council's previous procedure (Management to confirm with pool supervisors).**

**7. THAT on inclement days where temperatures fall below 17 degrees the Mittagong, Moss Vale and Bundanoon Swimming Centres be closed from 9:00am AND THAT signage will be provided to advise that the pools have been closed due to inclement weather and that the Bowral Swimming Centre is open.**

**8. THAT staff research options for improving operation of turnstiles across all centres AND THAT the committee re-convene prior to the opening of the 2007/08 swimming season to review options.**

**PASSED**

**COUNCIL MATTERS**

**GENERAL MANAGER'S REPORTS**

**c-GM1 Weekly Circulars**

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

**OC 201/07**

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

**THAT the information relating to Local Government Weekly Circulars Nos 26/07 and 27/07 and Council Weekly Circulars Nos 26/07 and 27/07 be noted.**

**PASSED**

**Matters Arising from Weekly Circulars**

1. DEADLINE FOR MOTIONS FOR CONSIDERATION AT LGA CONFERENCE 204/2007

Clr P Yeo referred to page 1 of Local Government Weekly Circular No. 26/07 which states that all motions for consideration at the conference in Coffs Harbour need to be received by the Association by Monday 13 August. He stated that as we have a motion to submit it should be referred for ratification to the Ordinary Meeting of Council to be held on Wednesday, 8 August 2007 prior to being sent to the LGA.

2. RURAL ADDRESSING 5206/1

Clr T D Gair referred to Item 6 in Council Weekly Circular No. 26/07 regarding the progress report on residential addressing. He asked if there would be a press release from Council in relation to this as it will have a huge influence on the rural community over the years.

**Matters Arising from Weekly Circulars** (cont'd)

3. 2 LOT SUB-DIVISION, "ROWANDALE FARM"  
CAMERONS LANE, ROBERTSON

LUA07/0488

Clr L A C Whipper referred to the information on the above sub-division printed in Council Weekly Circular No. 28/07. He advised that Item 4.2 on page 7 stated that it was not proposed to remove any of the native vegetation as part of this proposal. However, in another part of the circular it says that the site is used for harvesting some timbers and he asked if the harvestable timber is native vegetation or part of an endangered ecological community.

Clr Whipper also asked if this had been approved and shouldn't the Conditions of Consent throw the onus back onto the landowner to make them aware that it is protected vegetation.

Clr J Mauger advised that the owners of that property had previously planted substantial forest and he suspects this is what they intend to harvest. Clr Mauger stated that he believed the original homestead should be listed as a Heritage item as it is representative of dwellings built around the turn of the century.

Clr Mauger also advised that the property was subject to severe chemical residue for a couple of years as a result of the use of Heptachlore.

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

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**COMMITTEE REPORTS**

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**COMMITTEE REPORTS TABLED**

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

Submitting minutes of the following eight (8) Committee meetings that will be tabled for information.

1. Bong Bong Common Management Committee meeting Tuesday 27 February 2007
2. Bong Bong Common Management Committee meeting Tuesday 24 April 2007
3. Wingecarribee Water & Sewerage Steering Committee Wednesday 30 May 2007
4. Mittagong Community Centre Management Committee Thursday 7 June 2007 – to be circulated to Councillors prior to Council meeting.
5. Wingecarribee Housing Strategy Group meeting Tuesday 12 June 2007
6. Wingecarribee Housing Strategy Group Sheaffe Street Project Subcommittee meeting Tuesday 12 June 2007.
7. Companion Animals Advisory Committee meeting Tuesday 12 June 2007
8. Wingecarribee Heritage Advisory Committee meeting Friday, 11 May 2007.

**OC 202/07**

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

**THAT the information contained in the eight (8) Committee Reports be noted.**

**PASSED**

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**COMMITTEE REPORTS ATTACHED**

<b>c-CR2</b>	<b>Minutes of the LEP Steering Committee</b>
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REF.	DEP	5900/1
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Submitting Minutes of the LEP Steering Committee meeting held Wednesday, 20 June 2007.

**OC 203/07**

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

**THAT the recommendations as detailed in the minutes of the LEP Steering Committee meeting held Wednesday, 20 June 2007 be adopted with the exception of dot point 10 in the Recommendation regarding Response from Department of Planning Review Panel on page 34.**

**PASSED**

1. RESPONSE FROM DEPARTMENT OF PLANNING REVIEW PANEL

Clr P Yeo stated that there was an error in dot point 10 in that the recommendations should be amended to read “residential” rather than “industrial”

**OC 204/07**

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

**THAT the following changes be made to the Draft LEP.**

- **Change Commercial Core zone to Local Centre.**
- **Change Blue Circle, Limeworks, Joy (north of by-pass) to Heavy Industrial.**
- **Remove all Investigation Areas, including Industrial.**
- **Delete Group Homes from Rural zones.**
- **Delete multi-dwelling housing in R2.**
- **Amend Clause 19B.**
- **Include restricted premises in B2, B4 and B5.**
- **Remove R4 areas and change to R3.**
- **Include residential flat buildings in R3.**
- **Rezone Braemar Garden World site to RU2 and “Knox” land to IN1. Seek comment from community regarding Braemar Straight land as possible support base for future rezoning to Residential.**

**PASSED**

**c-CR3 Works & Planning Committee**

REF GM

107/23

Submitting minutes of the Works & Planning Committee meeting held Wednesday, 4 July 2007.

**OC 205/07**

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

***THAT*** recommendation Nos WP 46/07 to WP 54/07 as detailed in the minutes of the Works & Planning Committee meeting held Wednesday, 4 July 2007 be adopted with the exception of Item WP 46/07 Proposed Subdivision of Lots 23 & 24 DP1095888 Canyonleigh Road, Canyonleigh and WP53/07 Proposed Dwelling Meryla Road, Meryla (off Bibby's Lane).

**PASSED**

1. WP-EP1 (WP46/07) PROPOSED SUBDIVISION OF LOTS 23 & 24 DP1095888, CANYONLEIGH ROAD, CANYONLEIGH

Clr P Yeo referred to Recommendation 2 for Item WP-EP1 on page 37 which stated that the Director Environment & Planning would present a verbal report on the results of discussions between Council staff and the applicant.

The Director Environment & Planning stated that the staff had held discussions with the applicant and their surveyor about some possible boundary adjustments to the proposed layout aimed at ensuring the opportunity for retention of native vegetation is maximised.

He advised that these discussions went well and we are anticipating a revised layout shortly so we can report the matter back to the Ordinary Meeting of Council on 25 July 2007. The matter was already a subject of an appeal in the Land & Environment Court based on deemed refusal and on that basis the applicant has instructed their solicitors to seek an adjournment to a date after the Council meeting to enable Council to determine the matter on the 25 July.

**OC 206/07**

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

***THAT*** the application be deferred and the applicant be requested to provide amended plans addressing the issues outlined in the report to the Works & Planning Committee.

**PASSED**

**COMMITTEE REPORTS**

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Cont'd.....

2. WP-EP8 (WP 53/07) PROPOSED DWELLING MERYLA ROAD, MERYLA (OFF BIBBY'S LANE)

LUA07/0506

Clr L A C Whipper raised some dissent to the recommendation and stated that there may be areas of discretion regarding Council's ridgeline policy and this development may well be one of those areas which contravenes the policy.

The Director Environment & Planning stated that discussions had been held with the applicant to ensure vegetation will be maintained. Any changes will be determined by Council at its meeting on Wednesday, 25 July together with draft conditions.

**OC 207/07**

The Committee on a MOTION moved by Clr LAC Whipper seconded by Clr J R Clark  
**RECOMMENDED:**

THAT the application be refused as it does not comply with Council's ridgeline policy.

The Committee on an AMENDMENT moved Clr P J Yeo and seconded by Clr P B Tuddenham **RECOMMENDED:**

1. **THAT the application be approved AND THAT it be noted that Council acts as the principal certifier for this development.**
2. **THAT Council's ridgeline policy be reviewed and refined at a future date.**

**PASSED**

**AMENDMENT BECAME THE MOTION**

**MOTION PASSED**

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<b>c-CR4</b>	<b>Environment Committee</b>
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REF	PPM	107/25, 5465/29.01
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Submitting minutes of the Environment Committee meeting held Wednesday, 20 June 2007.

**OC 208/07**

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

***THAT recommendation Nos 1 to 3 as detailed in the minutes of the Environment Committee meeting held Wednesday, 20 June 2007 be adopted with the exception of Recommendation 2 on page 45 New Projects – “RID Squad Site Clean-up” and Recommendation 3 “Operation Deterrence – Signage and regular patrols to deter potential dumping”.***

**PASSED**

1. NEW PROJECTS – RID SQUAD SITE CLEANUP

Clr L A C Whipper asked for it to be noted that he was an apology at the Environment Committee meeting and that Clr J Clark had to leave the meeting early. He asked that in light of the concerns raised by Councillors at the Ordinary Meeting held on Wednesday, 27 June 2007 that this matter be referred back to the next Environment Committee meeting for further discussion.

**OC 209/07**

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

***THAT Recommendation 2: New Projects – RID Squad Site Clean-up not be adopted and be referred back to the Environment Committee meeting to be held on Wednesday, 18 July 2007 for further discussion.***

**PASSED**

2. OPERATION DETERRENCE – SIGNAGE AND REGULAR PATROLS TO DETER POTENTIAL DUMPING

**OC 210/07**

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

***THAT the Resource Recovery Manager, Mr Miles Lochhead, and a representative from the RID Squad be invited to make presentations at the next meeting of the Environment Committee meeting to be held on Wednesday, 18 July 2007.***

**PASSED**



**COMMITTEE REPORTS**

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**c-CR5 Community Services Consultative Committee**

REF	SPM	1800/17
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Submitting minutes of the Community Services Consultative Committee meeting held Tuesday, 5 June 2007.

**OC 211/07**

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

**THAT the recommendations as detailed in the minutes of the Community Services Consultative Committee meeting held Tuesday, 5 June 2007 be adopted.**

**PASSED**

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**c-CR6 Legal Committee**

REF	DEP	107/22
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Submitting minutes of the Legal Committee meeting held Wednesday, 27 June 2007.

**OC 212/07**

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

**THAT the recommendations as detailed in the minutes of the Legal Committee meeting held Wednesday, 27 June 2007 be adopted.**

**PASSED**

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**c-CR7 Moss Vale Master Plan Committee**

REF DEP 1603/28

Submitting minutes of the Moss Vale Master Plan Committee meeting held Monday, 2 July 2007.

**Interest:** Clr P George declared a non-pecuniary interest in the Business Arising from the Minutes item – Carparking in Clarence Street on page 63 as she is employed by the owner of the development north of Tuckerbag in another of his businesses. She left the chamber, took no part in the debate and refrained from voting thereon.

**OC 213/07**

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

***THAT the recommendations as detailed in the minutes of the Moss Vale Master Plan Committee meeting held Monday, 2 July 2007 be adopted with the exception of the Committee Decision relating to Carparking - Clarence Street, Moss Vale Recommendation 1 and Recommendation 3 on page 63.***

**PASSED**

1. BUSINESS ARISING FROM THE MINUTES – CARPARKING IN CLARENCE STREET, MOSS VALE

**OC 214/07**

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

1. ***THAT a draft concept plan be prepared for the Clarence Street precinct (funded by the sec 96 contribution from the development north of Tuckerbag) that includes the carparking areas on each side of Clarence Street as a cohesive whole.***
2. ***THAT as part of the long term carparking strategy for Moss Vale, Council formally approach NSW Police to determine if they are interested in selling (all or part) or exchanging land for use as a car park.***
3. ***THAT Council includes the future of Carpark No. 1 in its future strategy and /or further developing/extending the Donkin Avenue carpark***

**PASSED**

**GENERAL BUSINESS**

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1. ROAD MAINTENANCE & RECTIFICATION 7810/3

Clr J Mauger stated that he hoped Council would carry out some rectification work on the roads in the Shire and that a system could be introduced whereby gravel roads are better maintained in order to withstand the rain we have had over the last few weeks.

Clr N N Campbell-Jones added that staff were doing their best but it is unusual to have had such a long drought followed by considerable rain which of course plays havoc with the roads.

The Director Technical Services responded that the roads which have stood up well are the ones that have been resheeted with a good stabilised pavement and to consider allocating more money for the resheeting of roads which will enable them to stand up in wet weather.

Clr T D Gair believed that the roads were still the single biggest issue in the Shire. He has asked the Roads & Traffic Manager to prioritise the six worst roads and how they are going to be fixed. Clr Gair asked if this list could be given to the press so that the public can be made aware a program has been put in place to try to prioritise and repair these roads.

Clr Gair also stated that he was continually receiving complaints about table drains which are filling up with leaves and he believed that this issue was as important as the resheeting of roads.

The Director Technical Services advised that Council has been using a contractor with a rotary drain cleaner to excavate out the table drains in order to deepen them and with an increased level of funding more maintenance will be able to be carried out.

He added that as far as the timing of rectification work was concerned good progress was being made until the rain came back this week. We have three graders in the Shire – one is carrying out full time preparation for reseals, another one is on maintenance grading and the third is put towards construction projects. We need to try to get the resources around to each of the roads but with the recent rain priority has had to be given to getting people into and out of their properties.

The Director Technical Services stated that one of the worst roads at the moment is the Bundanoon end of Ellsmore Road which is due for sealing this financial year. We will now bring forward the sealing on the bad section but need to balance resources and juggle the works program to get the best value for money.

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**GENERAL BUSINESS**

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2. MAINTENANCE OF COMPTON PARK ROAD RD1408

Clr P George referred to a phone call she had received from a resident regarding the condition of Compton Park Road and asked if this road could be inspected with a view to future maintenance work. She stated that this may be a road reserve issue and Council may not need to do any work on it but asked that it be reviewed.

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

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3. INABILITY TO ATTEND CONFERENCES 204/2007

Clr P George stated that she is leaving for a two (2) week visit to China and will be unable to attend the Coffs Harbour and Darwin conferences. She also requested leave of absence from the Ordinary Meeting of Council to be held on Wednesday, 25 July 2007.

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4. SOUTHERN HIGHLANDS BUSINESS CHAMBER 1602/17

The Mayor tabled a letter received from the Southern Highlands Business Chamber regarding the Liquor Accord Meeting and expressing their support for alcohol free zones. He stated that a report will come to the Ordinary Meeting of Council to be held on Wednesday, 25 July 2007 but wanted it to be noted that the SHBC are fully supporting this initiative.

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5. LGSA REQUEST FOR ASSISTANCE WITH LEGAL COSTS 207, 203/4

The Mayor referred to Item o-CS3 and stated that it was a shame this matter had to go to the High Court to be resolved. He would like Council to follow up with the LGA as to how many Councils in the state have supported this and in future if Councillors were not supportive of it he would like to know who they were.

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6. THANKS TO COUNCIL CREW – MITTAGONG MAIN STREET RD8260 1668

Clr P B Tuddenham asked if he could publicly congratulate and thank the crew for carrying out the paving on Mittagong Main Street. .

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7. CAALONG STREET FOOTPATH RD3645, 7810/5

Clr L A C Whipper asked if there was a new completion date for the Caalong Street footpath.

The Director Technical Services stated that there was no date as yet but he would advise Clr Whipper as soon as a date was known.

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**GENERAL BUSINESS**

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8. GOVERNORS ROAD, BUNDANOON RD1825

Clr J Clark requested that following the removal of the gate across Governors Road by Norlex Holdings would Council investigate a further enclosure of the road by the owners of Lot 20 (DP264269) Ben Nevis Circuit with the Department of Lands. If the enclosure and use of this land for grazing is illegal could the owners be requested to remove the fencing/garden over Governors Road for public access.

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9. INNOVATION & BEST PRACTICE IN DEVELOPMENT ASSESSMENT 5450/6

Clr P Yeo stated that there appeared to be an excellent conference coming up on "Innovation and Best Practice in Development Assessment and asked if a senior Council officer could attend and feed information back to Council.

The Director Environment & Planning responded that Council has booked two places at this conference.

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10. MITTAGONG SWIMMING POOL ENTRY 6703/2

Clr N N Campbell-Jones asked for an update on the Mittagong swimming pool entry.

The Director Technical Services responded that he would provide an update via the Weekly Circular.

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**QUESTIONS FROM THE PUBLIC**

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1. DOMESTIC WASTE CHARGES 7502/6

Mrs Pam Cooper referred to the \$268 levy charge for domestic waste and asked if this would apply to fortnightly collection as well. If not what will the charge be as her fortnightly charge last year had been \$216.

The Acting General Manager responded that the recommendation as printed in the agenda was amended and the charges adopted by Council were \$268 for a weekly service, \$220 for a fortnightly service, \$135 for an additional service and \$18 for a vacant site. These charges will appear in the minutes of this meeting.

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2. MOSS VALE BYPASS 7300/8, RD3408

Mrs Pam Cooper referred to dot point 2 of the recommendation in the LEP Steering Committee Minutes (Response from Department of Planning Review Panel) on page 34 of the business paper and asked which route the bypass will take.

Clr N N Campbell-Jones responded that it will go along Suttor Road and turn off along the northern side of the red house on the top of the hill.

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3. ARCHITECTURAL TENDERS FOR THE LEISURE CENTRE 7181/6.2

Mrs Pam Cooper referred to the article in the Southern Highland News regarding the amount of \$356,000 to be paid to the architects for Leisure Centre plans and also noted that the decision by the Lands Department on the rezoning of Wongabri could be known by the end of this week. She asked the following questions:

1. If the Wongabri decision is handed down in their favour will Council still go ahead as printed in the newspaper?
2. Will Council accept Wongabri's proposal?
3. If they do accept, what happens to the \$356,000 plans or has Council already made a final decision on this matter?

Clr N N Campbell-Jones responded that Council has not made a final decision regarding Wongabri. Should the Minister come back and allow Council to consider this matter again, extensive community consultation would need to be undertaken immediately.

Clr Campbell-Jones added that the contract has exit clauses which allow Council to withdraw at any stage.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 11 July 2007



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### ADOPTION OF OPEN COUNCIL

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107/10

**MN 230/07**

**MOTION** moved by Clr N N Campbell-Jones seconded by Clr P A George :

**THAT the recommendations of the Open Council held on Wednesday, 11 July 2007 being OC 192/07 to OC 214/07, 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, 11 July 2007



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THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.23PM.

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 11 July 2007 numbered MN 224/07 to MN 230/07, were signed by me hereunder at the Council Meeting held on Wednesday, 25 July 2007.

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CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 25 JULY 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, 11 July 2007

