

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/07



held on Wednesday, 12 September 2007

The meeting commenced at 3.03pm.

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 12 September 2007



COMMENCING AT: 3.03PM

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 J E Mauger, Clr S H Murray,
Clr P B Tuddenham, Clr L A C Whipper and Clr P Yeo

IN ATTENDANCE: Acting General Manager (Michael Brearley), Director Corporate
Services, Director Environment & Planning, Manager
Administration Services and Administration Officer (AOR)

PRAYER

100/1

The meeting was opened in prayer led by Reverend Neville Kellam of Bowral Baptist Church.

APOLOGY

PERS

MN 280/07

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

THAT the apology of Clr M J Murray be accepted and leave of absence granted.

PASSED

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 22 AUGUST 2007

100/1

MN 281/07

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 Wednesday, 22 August 2007 MN 269/07 to MN 279/07 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

BUSINESS ARISING

1. ROAD MATERIAL USED BY COUNCIL DURING WET WEATHER 7810/3

Clr T D Gair referred to Item 4 of General Business on page 20 regarding the use of polluted roadbase. The Mayor had responded that a full report on this matter would come back to Council but this has not happened. Clr Gair asked when a full report would be available as there were a lot of issues that Council must deal with in relation to this matter.

The Acting General Manager stated that information had been provided to Councillors by Media Release and it was believed that the matter had been dealt with.

Clr Gair responded that information had not been provided on the number of loads that had foreign material in them and the cost to Council. He asked for confirmation that the material only contained physical contaminants such as plastics etc.

The Acting General Manager assured Clr Gair that this was the case and that he would provide additional information via the Weekly Circular.

2. INCREASE IN PUMP OUT FEES

5405, 2106

Clr L A C Whipper referred to the question he had asked on pump out fees (Item 14 of General Business) on page 23. He knew there had been a meeting on this matter for the residents of Robertson and asked where Council goes to from here. Clr Whipper asked if Councillors could be kept briefed on meeting dates and some feedback from the meeting.

The Director Environment & Planning responded that a meeting has been scheduled between himself, the General Manager, the Manager Environment & Health, the Finance Manager and Water & Sewer Manager to discuss all the issues involved before a full response can be provided. He believed a report would be available by the time the General Manager returned.

PRESENTATION

The Director Corporate Services referred to the Statewide Mutual Risk Management Conference had been held recently. Last year Council had won the major award and this year received a commendation for our 355 Committee & Volunteer Manual prepared by Council's Committee Co-ordinator, Lynne Morrison.

Lynne Morrison accepted the award and extended her thanks to the staff involved in the manual and to all the volunteers on the Management Committees.

DECLARATIONS OF INTEREST

101/3

-
1. Clr P B Tuddenham declared a pecuniary interest in Item 6 (*Underground Restaurant Station Street, Mittagong*) and Item 9 (Underground Water Tank - 120,000 litres rainwater harvested from Mittagong Central) as both these businesses are located beside his business in Mittagong. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
 2. Clr S H Murray declared a non-pecuniary interest in item o-EP5 (*Proposed 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.
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OPEN COUNCIL

MN 282/07

107/10

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

THAT Council move into Open Council to discuss various matters listed in the Agenda with Clr M King in the Chair.

PASSED

MAYORAL MINUTE

c-MM1 Police Accountability Community Team (PACT)

REF. MAYOR

1440/1 (cc 102/5)

Updating Council on proceedings of the Police Accountability Community Team (PACT).

Clr N N Campbell-Jones stated there had been a subsequent meeting with the Police Minister which had been quite heated and did not reflect the meeting held with the Mayor. There was a wide range of community groups at the meeting but no assurances were given that police numbers in the area would be increased.

OC 247/07

The Committee on a MOTION moved by Clr G Lewis and seconded by Clr M L King
RECOMMENDED:

1. ***THAT through the pages of "Wingecarribee Today" Council thanks members of the local community for their co-operation with police, particularly for reporting crime and providing valuable information that often leads to the arrest of offenders.***
2. ***THAT the community continues to be encouraged on an ongoing basis to report crime through the police assistance line, ensuring an accurate record of crime levels is maintained, leading to allocation of realistic policing resources in Wingecarribee Shire.***
3. ***THAT Council continues to work closely with the Local Area Command, particularly through the Police Accountability Community Team (PACT), to help make Wingecarribee Shire a safe and relatively crime free place in which to live, work and raise a family.***

PASSED

c-MM2 LGSA Position on Local Government Inquiry Recommendations

REF. MAYOR

102 (cc 102/5)

Reporting on the Local Government and Shires Association of NSW position on the 49 recommendations of the Independent Inquiry into Financial Sustainability of NSW Local Government.

OC 248/07

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

1. ***THAT Council acknowledges and generally endorses the Associations' positions on the 49 recommendations of the Independent Inquiry into the Financial Sustainability of NSW Local Government and call on the Minister for Local Government to coordinate a whole-of-government response and establish a reform implementation fund.***
2. ***THAT whilst Council generally endorses the thrust of the Associations' positions, it reserves the right to revise our support for particular recommendations when more detail is known.***

PASSED

ATTENDANCE AT SOUTHERN COUNCILS GROUP MEETING

The Mayor advised that he and the General Manager had attended the Southern Councils Group Meeting in Batemans Bay last Friday at which Council had put forward two items for discussion.

One of these items concerned vegetation screening and after some very healthy debate by the Southern Councils Group (which includes Wollongong, Shell Harbour, Kiama, Shoalhaven, Eurobodalla, Bega and Wingecarribee Shire) it was a unanimous decision to support Wingecarribee Shire's motion to the Local Government Conference.

Council also raised the matter of the City of the Arts program which had been discontinued and WSC's Seventh City of the Arts tender for 2007/2009 would not be assessed. This came as a disappointment to Council and it is a concern that the review was carried out after the applications had been called for and accepted. The preparation of the application consumed both Council resources and volunteer community time and the possibility of being successful raised community expectations.

The Mayor stated that State Government Library Funding was also discussed as it is the fourth year in succession that the State Government has cut the promised library funding allocation which has fallen from 24% in 1980 to less than 8%. Library usage is continually increasing and no other state or territory provides less than 19%. This may lead to some councils being unable to keep their libraries open.

VISITOR ITEMS

ENVIRONMENT & PLANNING DIVISION

**v-EP1 Proposed Seniors Living development at 'Karrara,' 'Ivy Tudor Motel' and 'Uplands,'
Moss Vale Road & Links Road, Bowral**

REF: PPM

LUA06/1428

Reporting on application seeking approval for a Seniors Living development, corner Moss Vale & Links Road, Bowral.

Mr Don Barker addressed Council on behalf of the objectors and Mr Jim Allman addressed Council on behalf of the applicant in this matter.

Council's Director Environment & Planning, Scott Lee, introduced this matter to Council.

OC 249/07

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

1. ***THAT the application be refused for reasons of landscaping, neighbourhood fit, heritage impact, number of units, constrictions on use of golf course and traffic issues.***
2. ***THAT those residents who made submissions be advised of Council's decision.***
3. ***THAT any future application be referred to an Ordinary Meeting of Council for determination.***

PASSED



OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

o-EP1 Development Consents under Delegated Authority

REF: DCM

5302

Submitting a list of development consents executed under delegated authority of the Director of Environment and Planning between 14/8/07 and 4/9/07.

OC 250/07

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

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

PASSED

Matters Arising from Development Consents under Delegated Authority

1. CONVERSION OF SUPERMARKET INTO DAN MURPHY'S LUA07/0609

Clr T D Gair referred to Item 2 and noted that Council had given the Conditions of Consent. He asked if the Director Environment & Planning could provide Council with information on the outcome of the meetings regarding traffic issues for the Dan Murphy's development.

The Director Environment & Planning responded that consent has been issued as per Council's resolution on 8 August 2007 and it had also been referred back to the Traffic Committee for consideration. There are still some outstanding matters to be resolved with the traffic issues and the RTA at this point have indicated they are not willing to approve some of the works that may be required to fully implement the solution that Council saw as most appropriate.

In the meantime the supermarket has been closed for refurbishment into Dan Murphy's. Woolworths will be lodging a request for Council to amend the existing condition of consent that relates to traffic management until we can put in place or confirm the broader issues of traffic management in that locality. Technical Services are also doing a lot of work on a general traffic management improvement strategy in this area.

.....Cont'd



Cont'd.....

The Director Environment & Planning stated that a report would probably come to the next Ordinary Meeting of Council to analyse and suggest a slightly amended condition of consent that may allow operation of Dan Murphy's in the short term with the longer term traffic management improvements put in place once Council has dealt with the other outstanding application and its own traffic management strategy.

Clr Gair asked the Acting General Manager if the report on the precinct of this area from the traffic lights down to Pioneer Street would be available before the next meeting on the 26 September so Councillors have an idea of the conditions Council is going to impose. One of the key things that Council wanted to achieve was no right hand turn either into or out of the site on Bowral Road. Woolworths are looking at relocating their existing driveway from Bowral Road and the erection of a median in Bowral Road but the RTA will not approve this without being aware of the full picture.

Clr P B Tuddenham asked if Councillors could be kept informed by way of a short briefing session before the next Council meeting.



o-EP2 List of Development Applications received by Council

REF: DCM

5302

Submitting a list of development applications which have been received between 14/8/07 and 4/9/07, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

Interest: Clr P B Tuddenham declared a pecuniary interest in Item 6 (Underground Restaurant - Station Street, Mittagong) and Item 9 (Underground Water Tank - 120,000 litres rainwater harvested from Mittagong Central) as both these businesses are located beside his business in Mittagong. He left the chamber, took no part in the debate and refrained from voting thereon.

OC 251/07

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

THAT the information regarding the List of Land Use Application Nos 1-12 received by Council be received and noted.

PASSED

Matters Arising from Development Applications received by Council

1. UNDERGROUND RESTAURANT, STATION STREET, MITTAGONG LUA07/0902

Clr P Yeo referred to Item 6 and requested more details on this application.

The Director Environment & Planning stated that a full report on this matter would come to Council and that there would be an actual resolution to this effect.

OC 252/07

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

THAT Item 6 (LUA07/0902) Underground Restaurant in Station Street, Mittagong and Item 11 (LUA07/0927) Vietnam War Memorial at end of Cherry Tree Walk be referred to Works & Planning Committee for consideration.

PASSED



2. 3 LOT RURAL SUBDIVISION, BUNDANOON RD, EXETER LUA07/0930

Clr N N Campbell-Jones referred to Item 12 and asked if these three lots were separated.

The Director Environment & Planning stated that he would include a plan of the subdivision in the Weekly Circular.

3. BED & BREAKFAST, OLDBURY ROAD, MOSS VALE LUA07/0897

Clr M King referred to Item 5 and asked if she could be kept informed on this matter.

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

o-EP3 Land Use Applications Received

REF: DCM

5302

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

OC 253/07

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

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

PASSED

o-EP4 Proposed development at Heritage Park, Bowral

REF: PPM

LUA03/1027

Reporting on S.96(2) modification to original approval.

The Director Environment & Planning stated that he would provide a brief summary of the number of amendments to the development and details on the external cladding in the Weekly Circular.

OC 254/07

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

THAT authority be delegated to the Director, Environment & Planning to determine the application with a condition to be imposed in any approval to prevent the Ivor Bucks building being walled off by landscaping and remaining visually in the public domain.

PASSED



o-EP5 Proposed Retail Shops, Bowling Alley & Function Rooms, 68 Station Street, Bowral

REF: PPM

LUA06/0348

Reporting on LUA06/0348, being a proposal for retail shops, bowling alley and function rooms at Lot 2 DP 1031671, No 68 Station Street, Bowral.

Interest: Clr S H 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 255/07

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

1. **THAT Council approves the application subject to there being no loading zone in Station Street and after Council obtaining satisfactory legal advice on the appropriate wording of the consent regarding the future subdivision of the consolidated sites and the impact of future subdivisions on carparking requirements.**
2. **THAT Council pursues investigations in relation to the use of Council's laneway as part of the total development.**
3. **THAT Council requests universal access be provided for all areas of this development including the function rooms.**
4. **THAT those residents who made submissions be advised of Council's decision.**

PASSED

CHAIRPERSON

At 6.00pm being the conclusion of Open Council, the Mayor, Clr G Lewis, resumed the chair to conduct the remainder of Council business.

QUESTIONS FROM THE PUBLIC

1. HIRE OF HILL TOP WAR MEMORIAL HALL 7211

Mr Ian Woolfe stated that he had recently hired the Hill Top War Memorial Hall for a concert on 1 December 2007 and was told that Council's hall hire public liability insurance does not cover concerts or public meetings but only party functions. He would therefore have to arrange his own public liability insurance which as an individual would be very expensive. Mr Woolfe asked:

- a) Is this factual and if so, why aren't concerts and public functions covered?
- b) Has Council considered extending their insurance to cover concerts and public meetings. If not – why not?

The Director Corporate Services responded that Council's insurance only covers Council activities and not private functions.

The Mayor stated these questions would be taken on notice and Mr Woolfe contacted to discuss the matter further.

2. PLAN OF MANAGEMENT FOR HILL TOP WAR MEMORIAL HALL 7211

Mr Jim Angel, Chairman of the "Friends of the Hill Top War Memorial Hall" stated that a question had recently been asked as to the progress of a Plan of Management for Hill Top War Memorial Hall. An answer had been given in a letter that it will be submitted for approval within the next few weeks.

The "Friends" feel the time taken to prepare and complete the plan and therefore have the lease agreement completed is now approaching twelve months. They are very disappointed that they do not have control of the hall for its 60th birthday celebrations as they were hoping to "freshen" it up for this occasion. Mr Angel asked what was the expected time frame to duly complete the lease agreement as usage next year will be increasing and such matters as insurance can be covered by the "Friends" comprehensive insurance policy.

The Acting General Manager stated that he would discuss this matter with the Council officers concerned and provide a response to Mr Angel.

QUESTIONS FROM THE PUBLIC

3. FEES FOR HILL TOP WAR MEMORIAL HALL 7211

Mr Jim Angel stated that Mr Sid Jeffery was unable to be at the meeting tonight and had requested Mr Angel to ask the following questions on his behalf:

- a) Why do the “Friends of the Hill Top War Memorial Hall” have to pay Council fees and draftsmen’s fees amounting to between \$700 and \$1,000 to submit a development application (which may not be approved) to hold monthly markets in Hill Top. These markets were operating prior to Council taking over the Memorial Hall from the Progress Association and have been advertised the whole time they were not operating.
- b) What more is needed when the “Friends” have a letter from Council stating that Council supports markets in Hill Top?
- c) If this question is not able to be answered today, could a written response be mailed to the “Friends of the Hill Top War Memorials Inc” at PO Box 3110, Hill Top 2575.

The Mayor stated that these questions would be taken on notice and a response provided by Friday, 14 September 2007.

4. CONDITION OF CHURCH AVENUE, HILL TOP 6000 0026

Mr Jim Angel stated that the condition of Church Avenue, Hill Top is now critical and he asked that work be undertaken to fix the large potholes that were a danger to drivers.

The Acting General Manager stated that he would take this question on notice.

o-EP6	Results of Community Feedback on Draft Residential Release Strategy and Rezoning of Wensleydale as a Proposed Residential Release Area
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REF:	SPM	PN 1624100
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The purpose of this report is to formally report the results of the Community Feedback received earlier this year in relation to the draft Residential Release Strategy and seek a resolution of Council to formally proceed with the preparation of the draft LEP to rezone the property known as Wensleydale, Colo Vale for future urban development.

MN 283/07

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

1. ***THAT*** Council notes the summary of the submissions received from the Community in relation to the Draft Residential Release Strategy as detailed in the Report and as Attached.
2. ***THAT*** Council proceeds with Option 1 in relation to the rezoning of Wensleydale as detailed in the maps contained within the report.
3. ***THAT*** Council notifies the Department of Planning in accordance with Section 54 of the EP&A Act of its intention to rezone that part of Wensleydale as determined in 2 above.

AMENDMENT moved by *Clr LAC Whipper* and seconded by *Clr S H Murray*:

THAT Council notes the matter.

AMENDMENT BECAME THE MOTION

MOTION PASSED

o-EP7	Draft Local Orders Policy (Order Number 21)
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REF:	EHM
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201/5.1

This report considers the merits of a draft Local Orders Policy (Order Number 21), with the aim of having the draft policy placed on public exhibition and ultimately adopted by Council. Order Number 21 deals specifically with premises or land not in a safe or healthy condition.

MN 284/07

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

1. ***THAT*** the draft policy be placed on public exhibition in accordance with s160 of the Local Government Act 1993 and s100 of the Local Government (General) Regulation 2005 for a period of 28 days with a public submission period of 42 days.
2. ***THAT*** a further report considering any submissions and presenting a final policy for adoption be brought forward to Council at the conclusion of the public exhibition period.

PASSED

CORPORATE SERVICES DIVISION

o-CS1	Determination of Annual Remuneration for the Mayor and Councillors
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REF.	MAS	101/6
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Reporting on the 2007/08 determination of remuneration for Mayors and Councillors by the Local Government Remuneration Tribunal under Section 242 of Local Government Act 1993 for the Mayor and Councillors.

MN 285/07

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

THAT having regard to the determination from the Local Government Remuneration Tribunal under Section 242 of the Local Government Act, 1993 Council approves fees for the 2007/2008 financial year for each Councillor be \$14,540 and the Mayoral fee be set at \$31,740 AND THAT the Mayoral fee be paid in addition to the Councillors fee.

PASSED

COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 Weekly Circulars

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

MN 286/07

MOTION moved by Clr P J Yeo and seconded by Clr P B Tuddenham:

THAT the information relating to Local Government Weekly Circulars Nos 34/07, 35/07 and 36/07 and Council Weekly Circulars Nos 34/07, 35/07 and 36/07 be noted.

PASSED

COMMITTEE REPORTS

COMMITTEE REPORTS TABLED

c-CR1	Management and Advisory Committee Reports
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REF.	DCS	107/1
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Submitting minutes of the following eight (8) committee meetings that will be tabled for information.

1. Bowral Tulip Time Committee meeting Monday 23 July 2007
2. Companion Animals Advisory Committee meeting Tuesday 12 July 2007
3. East Bowral Community Centre Management Committee meeting Tuesday 24 July 2007
4. East Bowral Community Centre Management Committee Annual General meeting Tuesday 24 July 2007
5. Mittagong Community Centre Management Committee Annual General Meeting Thursday 9 August 2007
6. Mittagong Community Centre Management Committee Meeting Thursday 9 August 2007
7. Mittagong Memorial Hall Management Committee meeting Thursday 2 August 2007
8. Moss Vale Senior Citizens & Community Centre Management Committee Annual Monday 13 August 2007

MN 287/07

MOTION moved by Clr T D Gair and seconded by Clr LAC Whipper:

THAT the information contained in the eight (8) committee reports be noted.

PASSED

COMMITTEE REPORTS

COMMITTEE REPORTS ATTACHED

c-CR2	Arts & Culture Board
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REF	SPM	1660/1
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Submitting minutes of the Arts & Culture Board meeting held Monday, 30 July 2007.

MN 288/07

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

THAT the recommendations as detailed in the minutes of the Arts & Culture Board meeting held Monday, 30 July 2007 be adopted.

PASSED

c-CR3	Arts & Culture Board
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REF	SPM	1660/1
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Submitting minutes of the Arts & Culture Board meeting held Monday, 27 August 2007.

MN 289/07

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

THAT the recommendations as detailed in the minutes of the Arts & Culture Board meeting held Monday, 27 August 2007 be adopted.

PASSED

COMMITTEE REPORTS

c-CR4 WSC Sustainability Committee

REF	EHM	5450/9
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Submitting minutes of the WSC Sustainability Committee meeting held Wednesday, 15 August 2007.

MN 290/07

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

THAT Recommendations 1 and 2 as detailed in the minutes of the WSC Sustainability Committee meeting held Wednesday, 15 August 2007 be adopted.

PASSED

c-CR5 LEP Steering Committee

REF	DEP	5900
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Submitting minutes of the LEP Steering Committee meeting held Wednesday, 15 August 2007.

Clr N N Campbell-Jones asked for it to be noted that he is the Chair of this committee.

Clr P B Tuddenham advised that his name is incorrectly stated in the minutes.

MN 291/07

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

THAT the recommendations as detailed in the minutes of the LEP Steering Committee meeting held Wednesday, 15 August 2007 be adopted.

PASSED

COMMITTEE REPORTS

c-CR6 Environment Committee

REF PPM 107/25, 5465/29.01

Submitting minutes of the Environment Committee meeting held Wednesday, 15 August 2007.

The Mayor referred to the item on page 81 regarding the presentation by Jenny Platt on Biodiversity Conservation and Regional Corridors and asked for an update. Clr L A C Whipper responded that he hoped there would be an opportunity for Ms Platt to come and meet with some of Council's Planning staff.

Clr L A C Whipper referred to the second part of Recommendation 4 on page 84 and asked if a meeting could be arranged with WIRES to discuss possible options regarding a memorandum of understanding regarding the provision of assistance to Council in dealing with injured and displaced animals from development activities.

Clr N N Campbell-Jones requested an update on the Southern Highlands Regional Shooting Range.

MN 292/07

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

THAT Recommendations 1 to 4 as detailed in the minutes of the Environment Committee meeting held Wednesday, 15 August 2007 be adopted.

PASSED

c-CR7 Legal Committee

REF DEP 107/22

Submitting minutes of the Legal Committee meeting held Wednesday, 22 August 2007.

Clr L A C Whipper asked for more information on Item 2 on page 89 regarding unauthorised tree removal at Greasons Road, Bundanoon.

MN 293/07

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

THAT the recommendations as detailed in the minutes of the Legal Committee meeting held Wednesday, 22 August 2007 be adopted.

PASSED



COMMITTEE REPORTS

c-CR8	Moss Vale Master Plan Committee
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REF	DEP	1603/28
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Submitting minutes of the Moss Vale Master Plan Committee meeting held Monday, 20 August 2007.

MN 294/07

MOTION moved by C/r LAC Whipper and seconded by C/r P A George:

THAT the recommendations as detailed in the minutes of the Moss Vale Master Plan Committee meeting held Monday, 20 August 2007 be adopted.

PASSED

COMMITTEE REPORTS

c-CR8 Traffic Committee

REF TE 107/6

Submitting minutes of the Traffic Committee meeting held Monday, 20 August 2007.

Clr P B Tuddenham referred to Additional Item 1 (TC 104/07) Traffic Arrangements for the Frensham School Fair on page 111 and asked for information on why Frensham are now putting in application to close Range Road for their school fair on Saturday, 17 November 2007.

Clr T D Gair responded that this was handled in the same way as other requests for roads to be closed for special events such as the Tulip Time Festival etc. They have met all the requirements. The RTA has no objection to the road closure and the Traffic Committee could find no reason to deny this request.

Clr N N Campbell-Jones referred to Additional Item 4 (TC 107/07) on page 112 and requested that all Councillors receive a copy of the traffic counts following the Woolworths, Mittagong opening.

Clr T D Gair advised Councillors that the Traffic Committee will investigate speed indicators in school zones.

MN 295/07

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

THAT recommendations TC 77/07 to TC 109/07 as detailed in the minutes of the Traffic Committee meeting held Monday, 20 August 2007 be adopted with the exception of TC 81/07 Stop Sign at Meryla Street, Robertson and TC 92/07 Alcohol Free Zones.

PASSED

1. ITEM 5 - STOP SIGN AT MERYLA STREET, ROBERTSON RD3624, RD3634,
TC 81/07 7415

MN 296/07

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

1. ***THAT the stop sign remain AND THAT no vegetation be removed before a report comes back to Council on this matter.***
2. ***THAT Clrs L A C Whipper, J Mauger and T D Gair undertake an inspection of the site with Council's Traffic Engineer.***

PASSED

.....Cont'd

COMMITTEE REPORTS

Cont'd....

2. ALCOHOL FREE ZONES 5402, 1602/17, 1806/6
TC 92/07

Council requested that Settlers Park and Cherry Tree Walk be added to the alcohol free zones.

MN 297/07

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

1. **THAT** Council supports in principle the signposting of Alcohol Free Zones for a three-year period (noting the need to first advertise the proposal for 30 days and receive comments) to include the following streets and carparks:

Moss Vale

- Argyle Street (Waite Street to Valetta Street)
- Clarence Street
- Kirkham Street (Argyle Street to Elizabeth Street)
- Valetta Street (Argyle Street to Elizabeth Street)
- Elizabeth Street (Kirkham Street to Valetta Street)
- Tuckerbag Carpark
- Elizabeth Street Carpark
- Kirkham Street Carpark

Bowral

- Bong Bong Street (Bowral Street to Bundaroo Street)
- Bendooley Street (Bowral Street to Bundaroo Street)
- Station Street (Bowral Street to Bundaroo Street)
- Bowral Street (Bendooley Street to Station Street)
- Banyette Street
- Boolwey Street (Bendooley Street to Station Street)
- Wingecarribee Street (Bendooley Street to Station Street)
- Merrigang Street (Bendooley Street to Station Street)
- Bundaroo Street (Bendooley Street to Station Street)
- Wattle Lane
- Argyle Lane
- Lamond Lane
- Oxley Mall Carpark
- Woolworths Carpark
- Cinema Carpark
- Merrigang Street Carpark
- Banyette Street Carpark

COMMITTEE REPORTS

Mittagong

- **Main Street (Pioneer Street to Albion Street)**
- **Bowral Road (Main Street to Pioneer Street)**
- **Pioneer Street (Main Street to Bowral Road)**
- **Memorial Hall Carpark**
- **Main Street Carpark**

2. **THAT Council prohibit the consumption of alcohol between 10pm and 6am in the following parks and reserves (noting that the Police can enforce this type of Council signage under Sec 632 of the Local Govt Act 1993 – Acting contrary to notices erected by councils):-**

Moss Vale

- **Leighton Gardens**
- **Bevan Badgery Park**

Bowral

- **Corbett Gardens**
- **Memorial Park**
- **Loseby Park**
- **Settlers Park**
- **Cherry Tree Walk**

Mittagong

- **Lake Alexandra**
- **Ironmines Oval**
- **Winifred West Park**

3. **THAT a report on Alcohol Free Zones be submitted to Council following the 30 day advertising period which includes:-**
- **The effects of Alcohol Free Zones on outdoor dining areas**
 - **The cost to install the signs**
 - **The time frame to implement the signposting**
 - **The need for extra resources to complete the work in a timely manner;**
4. **THAT prior to the introduction of Alcohol Free zones, Council's Road Safety Officer conducts an educational program within the shire advising the public of the introduction of Alcohol Free Zones;**
5. **THAT the efficacy of the Alcohol Free Zones be reviewed annually;**
6. **THAT Council notes that the Police stated that they will be able to provide enough resources to enforce the proposed Alcohol Free Zones on streets and carparks and the alcohol prohibition signs on parks and reserves.**

PASSED

COMMITTEE REPORTS

c-CR9	Works & Planning Committee
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REF	DEP	107/6
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Submitting minutes of the Works & Planning Committee meeting held Wednesday, 5 September 2007.

MN 298/07

MOTION moved by Cllr LAC Whipper and seconded by Cllr P A George:

THAT recommendations WP 60/07 to WP 65/07 as detailed in the minutes of the Works & Planning Committee meeting held Wednesday, 5 September 2007 be adopted.

PASSED

GENERAL BUSINESS

GENERAL BUSINESS

1. TOURIST ROAD – NEW SIGN FOR YEO’S ROAD RD2504, RD3644, 7415/4

Clr P Yeo referred to the new sign for Yeo’s Road off the Tourist Road which is wrongly spelled “Yoe’s”. He asked that this be corrected.

The Acting General Manager stated that he would investigate this matter.

2. LARGE POTHOLE ON TOURIST ROAD 7810/3, RD2503

Clr P Yeo referred to the large potholes in Tourist Road towards the junction with the Illawarra Highway and asked if these could be attended to.

The Acting General Manager stated that he would investigate this matter.

3. DAMAGE TO TREES BY CONTRACTOR IN GREASONS ROAD AND
FERNDALE ROAD, BUNDANOON PN595600, PN595500, 5300/15, 502/45

Clr J Clark referred to the damage to trees by a contractor in Greasons Road and Ferndale Road, Bundanoon following Council’s success in legal action against the developer of a subdivision in Greasons Road for removal of trees.

He asked if Council could investigate the cost of remediation of trees at the corner of Greasons Road and Ferndale Road following damage to their roots and subsequent death caused by sewer trenching work by the same developer. He asked why the cost of tree remediation should not be paid for by this developer?

The Acting General Manager stated that he would investigate this matter.

4. MONTISORRI SCHOOL, ELIZABETH STREET, BURRADOO LUA07/0723

Clr L A C Whipper referred to a development application currently with Council for a Montisorri School in Elizabeth Street, Burradoo. He asked for support from Council to bring this matter to the next council meeting to be held on Wednesday, 26 September 2007.

The Director Environment & Planning advised that he would ensure this matter was submitted to the Ordinary Meeting of Council to be held on Wednesday, 26 September 2007.

GENERAL BUSINESS

5. REMOVAL OF BUS SEAT IN STATION STREET, MITTAGONG 7325/1, RD3204

Clr P B Tuddenham referred to a bus seat which had been removed from the bus stop in Station Street, Mittagong and asked if it could be recovered or replaced.

The Acting General Manager stated that he would investigate this matter.

6. COUNCIL BUILDING AT 73 STATION STREET PN1700778

Clr N N Campbell-Jones referred to 73 Station Street and noted that Council had agreed to lease it subject to a DA approval. However the DA was not approved and he asked what Council was doing to move on as it has been empty for several years.

The Mayor stated this question would be taken on notice.

7. ALEXANDRA SQUARE 6606/3

Clr P George asked what is happening with Alexandra Square.

The Director Corporate Services stated Council is seeking some clarification of its legal advice.

8. COMPTON PARK ROAD, BERRIMA RD1408, 7810/3

Clr P George referred to a letter she had received containing the signatures of 20 residents regarding Compton Park Road in Berrima. She stated she had raised this matter in General Business before going to China and Council officers had responded to the residents advising that they were not going to maintain the road. Clr George asked if this was a road Council is meant to maintain and if so, can it be maintained.

The Acting General Manager responded that the road is classified as an unformed road. There are many hundreds of unformed roads across the shire and we have a standard fact sheet and policy in that regard. He stated that he would write to the residents advising what the policy is.

9. PIGEON DROPPINGS AT MITTAGONG MEMORIAL HALL 7226/1

Clr P George referred to the pigeons that perch over the entry to the Memorial Hall in Mittagong and leave their droppings all over the chairs. She asked if some spikes or other deterrent could be put there to prevent them perching.

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

GENERAL BUSINESS

10. DIRECTIONAL SIGN TO BERRIMA

7415/4

Clr M King stated she had previously requested the installation of a directional (finger) sign to Berrima on the corner of Argyle Street and Waite Street in Moss Vale.

Clr T D Gair stated that the RTA had installed two directional signs in Moss Vale Road just before this intersection.

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

11. COUNTRY CLUB

6612/1, PN215900

Clr T D Gair referred to the Bowral Country Club public meeting on 2 October 2007. He asked why the report has been deemed confidential and why can't it be released as a public document prior to the management plan. Clr Gair asked how Council determines what is confidential as he believes this document should be open to the public due to the fact that Council is looking at a management plan worth somewhere in the vicinity of \$20 or \$30 million dollars.

The Director Corporate Services stated that there are two ways the public can access a document. They can either access it via a Section 12 application under the Local Government Act which would come to him as the Public Officer and he would have to make a decision on whether it is in the public interest for that document to be made available. If he does not believe it is in the public interest he would need to bring a report to Council and Council would need to confirm this. If Council does then that document is not available for a period of three months. After three months Council has to review that decision.

The alternative is to make a Freedom of Information application and there is a protocol and process to follow for this. Again, under the Freedom of Information Council would need to provide reasons why this document wasn't provided to the public.

The document at the moment is an internal working document and under Section 12 or FOI if someone comes in and requests to see it we would have to give the reasons why we would not give them access.

The Director Corporate Services advised Clr Gair that he may wish to move a motion for this document to be made publicly available.

GENERAL BUSINESS

12. FURTHER HOLD-UP WITH LEP 5900

Clr T D Gair stated that he had received notice that there may be a further hold up with LEP and asked for an update on this matter.

The Director Environment & Planning advised that he could not provide any further detail as to when we might receive the certificate.

The Mayor advised that he had telephoned the Minister's office yesterday and spoken to the Acting Chief of Staff. Correspondence has been sent to the Minister requesting a meeting regarding the LEP.

13. LEVEL CROSSING AT CALWALLA & SHEEPWASH ROADS 7430/13

Clr J Mauger referred to the condition of the level crossing at Calwalla and Sheepwash Roads which has deteriorated. He asked if representations could be made to the State Rail Authority to remedy the situation.

The Acting General Manager stated that he would investigate this matter.

14. PEAT MANAGEMENT AT WINGECARRIBEE DAM 5458/4, 7730

The Mayor referred to the matter of peat management at Wingecarribee Dam. The Sydney Catchment Authority is now in a position to brief Council on the outcomes of the Wingecarribee Dam peat management study and the SCA's dam safety risk assessment process and the best way forward is to meet with General Manager and technical staff and follow this up with a full briefing of Council.

CORPORATE SERVICES DIVISION

c-CS1 Closed Council

To consider moving into Closed Council.

At this juncture, the time being 6.40pm, pursuant to section 10A(4), the Mayor offered the opportunity to members of the public to make representations to Council as to whether any items of the Closed Council should not be considered in Closed Council.

This information would, if disclosed, prejudice the maintenance of the law, AND THAT the press and public be excluded from Closed Council as it is 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 299/07

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

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

GM-1 LUMP SUM CONTRACT 05/08 – DESIGN & CONSTRUCTION OF 10 ML/D BUNDANOON WATER TREATMENT PLANT UPGRADE. 6330/07.6, 7704/1

Relevant Legal Provision

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

Brief Description

Reporting on tenders received for the design and construction of 10 ML/d Bundanoon Water Treatment Plant Upgrade.

Public Interest

It would 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	Lump Sum Contract 05/08 – Design & Construction of 10 ML/D Bundanoon Water Treatment Plant Upgrade.	Water
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REF:	WSM	6330/07.6, 7704/1
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Relevant Legal Provision

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Brief Description

Reporting on tenders received for the design and construction of 10 ML/d Bundanoon Water Treatment Plant Upgrade.

Public Interest

It would 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 T D Gair

RECOMMENDED

THAT the tender offered by Water Treatment Australia for the design and construction of Bundanoon Water Treatment Plant upgrade and for the supply and installation of turbidity meters in a total of \$ 1,010,569.00 + GST be accepted.

PASSED

OPEN COUNCIL

MN 300/07

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

THAT Council moves back into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

107/9

MN 301/07

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

THAT the recommendations of the Closed Council held on Wednesday, 12 September 2007 GM - 1, be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

107/10

MN 302/07

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

THAT the recommendations of the Open Council held on Wednesday, 12 September 2007 being OC 247/07 to OC 255/07, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 12 September 2007



THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.05PM.

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 12 September 2007 numbered M/N 280/07 to M/N 302/07, were signed by me hereunder at the Council Meeting held on Wednesday, 26 September 2007.

CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 26 SEPTEMBER 2007

CHAIRMAN

PUBLIC OFFICER



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 12 September 2007

