

# MINUTES

## OF THE ORDINARY MEETING OF COUNCIL

*File No. 100/07*



held on Wednesday, 10 October 2007

The meeting commenced at 3.04pm



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 10 October 2007



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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 10 October 2007



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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 M L King, Clr M J Murray, Clr S H Murray,  
Clr P B Tuddenham, Clr L A C Whipper and Clr P Yeo

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

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### PRAYER

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100/1

The meeting was opened in prayer led by Reverend Steve Roberts of Bowral Anglican Church.

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### APOLOGY

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PERS

***MN 332/07***

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

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

***PASSED***

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## CONFIRMATION OF MINUTES

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### MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 26 SEPTEMBER 2007

100/1

**MN 333/07**

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

**THAT** the minutes of the Ordinary Meeting of Council held on Wednesday, 26 September 2007 MN 303/07 to MN 329/07 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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### MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 3 OCTOBER 2007

100/1

**MN 334/07**

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

**THAT** the minutes of the Extraordinary Meeting of Council held on Wednesday, 3 October 2007 MN 330/07 to MN 331/07 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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Clr P B Tuddenham declared a non-pecuniary interest in Item WP-EP2 of the Works & Planning Committee minutes (Proposed Underground Restaurant at Mittagong Central) as he has a business and is co-owner of building in the immediate vicinity. 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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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 10 October 2007



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### OPEN COUNCIL

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**MN 335/07**

107/10

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

**THAT** Council moves into Open Council to discuss various matters listed in the Agenda with Clr M Murray in the Chair.

**PASSED**

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The Mayor, Clr G Lewis, retired from the meeting due to ill health at 3.15pm.

**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 18/9/07 and 2/10/07.

**OC 264/07**

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

**THAT the information relating to Development Consent Nos 1-11 under Delegated Authority be received and noted.**

**PASSED**

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

REF: DCM 5302

Submitting a list of development applications which have been received between 18/9/07 and 02/10/07, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

**OC 265/07**

*The Committee on a MOTION moved Clr J R Clark and seconded Clr P B Tuddenham*  
**RECOMMENDED**

**THAT the information regarding the List of Land Use Applications Nos 1-15 received by Council be received and noted.**

**PASSED**

.....Cont'd

Cont'd....

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

1. WALL OF REMEMBRANCE & FLOODLIGHTING,  
BUNDANOON HALL, BUNDANOON LUA07/1020

Clr J Clark referred to Item 5 and asked if the Bundanoon Community Development Association could receive more details on this development as they had concerns about the proposed entranceway.

**OC 266/07**

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

***THAT Item 5 (LUA07/1020) Wall of Remembrance & Floodlighting, Flag Poles, Fencing and Gates be referred for consideration to the Service & Infrastructure Committee.***

**PASSED**

2. CHANGE OF USE TO ADULTS UNDERCOVERS, MITTAGONG LUA07/1044

Clr N N Campbell-Jones referred to Item 11 and requested more details on this application.

The Director Environment & Planning advised that he believed it was an adult book shop but would provide more details in the Weekly Circular.

Clr Campbell-Jones asked that this matter be referred to the Service & Infrastructure (Works & Planning) Committee.

**OC 267/07**

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

***THAT Item 11 (LUA07/1044) Change of Use to Adults Undercovers, Old Hume Highway, Mittagong be referred to the Service & Infrastructure (Works & Planning) Committee for consideration.***

**PASSED**

3. SHOWROOM, HALL'S NATIVES, DOUGLAS ROAD, MOSS VALE LUA07/1049

Clr LAC Whipper referred to Item 14 and asked for more details on this application.

The Director Environment & Planning responded that he would include this information in the Weekly Circular.

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**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 September 2007.

**OC 268/07**

*The Committee on a MOTION moved Clr T D Gair and seconded Clr P A George*  
**RECOMMENDED**

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

**PASSED**

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**o-EP4 Proposed Rural Dwelling, 'Bellfarm' Maugers Road, Robertson**

REF: DCM

LUA07/0641

Reporting on proposed rural dwelling at Lot 900 DP 1110888, 'Bellfarm,' Maugers Road, Robertson. The area of the property is below 40 hectares – application accompanied by SEPP No 1 objection. Applicant: Hotondo Southern Highlands on behalf of Mr Roden Mauger and Mr Jim Mauger.

**OC 269/07**

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

***THAT authority be delegated to the Director, Environment & Planning to determine the development application with any conditions of consent to be generally in accordance with Attachment 3 of the report.***

**PASSED**

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<b>Committees</b>	<b>Legal Committee</b> <i>2nd Wednesday of the month</i> <i>4.00pm to 5.00pm</i>
	<b>Environment &amp; Sustainability Committee</b> <i>(6) times per annum – meeting times to be confirmed</i> <b>2 Councillors on Committee</b>
	<b>Finance and Audit Committee</b> <i>(4) times per annum – meeting times to be confirmed</i>
<b>Advisory Committees</b>	<b>Traffic Committee</b> <i>Meets monthly – (to be reviewed)</i>
	<b>Water &amp; Sewer Advisory Committee</b> <i>(4) times per year</i>
	<b>Moss Vale Livestock Selling Centre Board</b> <i>(4) times per annum</i>
	<b>Tourism Southern Highlands Board</b> <i>(incorporating Economic Development Committee)</i> <i>(4) times per annum</i>
	<b>Wingecarribee Aboriginal Advisory Committee</b> <i>(4) times per annum</i> <b>1 Councillor on committee</b>
	<b>Wingecarribee Youth Council Advisory Committee</b> <i>(4) times per annum</i>
	<b>(e) Working Groups</b> <i>To meet when issues are tasked by Council and/or determined by Council ie quarterly / bimonthly etc.</i>
<b>(f) Information Sessions</b>	<b>2<sup>nd</sup> Wednesday (following Legal Committee)</b> <b>Commencing at 5.30pm</b>
	<b>3<sup>rd</sup> Wednesday (if required)</b> <b>Commencing 4.00pm</b>
<b>(g) Sunset Working Groups</b>	<b>To meet as required until their respective projects have been finalised.</b>

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2. **THAT the purpose and delegated functions of Council's Principal Committees be as per the Terms of Reference outlined in the report be adopted.**
3. **THAT the objectives, role and structure of the following committees be as per the Terms of Reference.(Legal Committee, Environment & Sustainability Committee & Finance & Audit Committee) in Attachment 2 of the report be adopted with Councillor delegation on the Environment & Sustainability Committee being reduced from six (6) Councillors to two (2) Councillors.**
4. **THAT the role and structure for the following Working Groups be adopted as per the alternative Guidelines provided in Attachment 3 of this report with the addition of the words "or by the Councillor Chair of the Committee" under the heading "MEETING TIMES" in each instance:**
  - **Tulip Time Working Group**
  - **Companion Animals**
  - **Heritage Working Group**
  - **Access Working Group**
  - **Community Services Working Group**
  - **Arts & Culture Board (Working Group)**
  - **Seniors Working Group**
  - **Community Grants (Assistance) Working Group**
  - **Wingecarribee Housing Strategy Working Group**
  - **Wingecarribee Sport & Recreation Working Group**
  - **Tourism / Economic Development Working Group**

**AND THAT the following amendments to the Arts & Culture Board (Working Group), Companion Animals Working Group and Heritage Working Group be incorporated into each respective Working Group:**

- a) **Companion Animals Working Group**  
**The words "and that their advice and use of their expertise be included in any report which the Chair of the Committee or Council Officer deems appropriate to be considered by Council" are to be included under SCOPE.**
- b) **Heritage Working Group**  
**Additional Item 5 under ROLE OF THE COMMITTEE "May be tasked by the Director Environment & Planning to comment on development applications which involve significant heritage issues".**
- c) **Arts & Culture Board (Working Group)**  
**Additional Item 5 under ROLE OF THE COMMITTEE "To recommend expenditure within the allocated budget".**

5. **THAT the following committees be wound up as of 31 October 2007 AND THAT any of these committees may continue in an unofficial capacity:**

<b><i>Bowral sub Regional Masterplan</i></b>	<b><i>Works and Planning Signage Policy Committee</i></b>
<b><i>Bundanoon Masterplan</i></b>	<b><i>Staff Delegations Sunset Committee</i></b>
<b><i>Mittagong Masterplan</i></b>	<b><i>Works and Planning Committee</i></b>
<b><i>Water Supply and Sewerage Best Practice Guidelines Working Group</i></b>	<b><i>WSC Sustainability Committee</i></b>
<b><i>Community Representative Review Committee</i></b>	<b><i>Water Conservation Sub-Committee</i></b>
<b><i>Pools and Leisure Centre Steering Committee</i></b>	<b><i>Wingecarribee Landscape Planning Advisory Committee</i></b>
<b><i>Economic Development Committee</i></b>	<b><i>Wingecarribee Community Development Support Scheme</i></b>
<b><i>Landscape Hedge Committee</i></b>	

6. **THAT the meeting of the Services & Infrastructure Committee (previously known as Works & Planning Committee) be moved to the first Wednesday of each month commencing at 4.00pm with any planning issues heard first AND THAT there be provision for a further meeting of two (2) hours' duration should the need arise.**
7. **THAT a Legal Committee meeting be held on the second Wednesday of each month from 4.00pm to 5.00pm AND THAT this be followed by an Information Session commencing at 5.30pm if required.**
8. **THAT on the fourth Wednesday of each month there be Strategy & Finance Committee meeting from 2.30pm to 3.30pm.**
9. **THAT the Pools & Leisure Centre Steering Committee be disbanded with matters relating the swimming pools being absorbed by the Sport & Recreation Committee and matters relating to the proposed leisure centre being dealt with by the Leisure Centre Reference Sunset Working Group.**
10. **THAT the Economic Development Committee be wound up and its functions be incorporated with the Tourism Southern Highlands Board as an Advisory Committee of Council.**
11. **THAT Council implements the new structure and calendar as of 1 November 2007.**
12. **THAT the degree of community input at future meetings be brought back for consideration to the next Ordinary Meeting of Council.**
13. **THAT the Seniors Working Group and the Access Working Group hold a joint meeting to decide whether they can amalgamate into one working group.**

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Cont'd.....

14. **THAT** a permanent Chairperson and an Alternate be elected to the Strategy & Finance Committee and the Services & Infrastructure Committee for a period of six (6) months with the opportunity to decline.
15. **THAT** the following Sunset Working Groups be confirmed as per Attachment 3 (circulated under separate cover):

<b><i>Leisure Centre Reference Sunset Working Group</i></b>	<b><i>HUB Steering Committee Sunset Working Group</i></b>
<b><i>Alexandra Square Sunset Working Group</i></b>	<b><i>LEP Steering Committee Sunset Working Group</i></b>
<b><i>Moss Vale Master Plan Sunset Working Group</i></b>	<b><i>Staff Delegations Sunset Committee</i></b>
<b><i>Whites Creek Floodplain Risk Management Working Group</i></b>	

16. **THAT** Council formally recognises the commitment and support of Community members of its Committees at a function to be held later this year.

**PASSED**

### **ADDITIONAL MATTER**

#### **APPOINTMENT OF A CHAIRPERSON AND ALTERNATE FOR TWO PRINCIPAL COMMITTEES**

- (a) **STRATEGY & FINANCE COMMITTEE**

**OC 272/07**

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

**THAT** Clr P B Tuddenham be elected as chair of the Strategy & Finance Committee with Clr M Murray as alternate chair.

**PASSED**

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Cont'd.....

(b) SERVICES & INFRASTRUCTURE COMMITTEE

**OC 273/07**

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

**THAT Clr N N Campbell-Jones be elected as chair of the Service & Infrastructure Committee with Clr P Yeo as alternate chair.**

**PASSED**

**o-CS3 Draft Policy for Councillors' Access to Information and Interaction with Staff**

REF. MAS 101/13

Reporting on the consideration of Draft Policy for Councillors' Access to information and interaction with staff for adoption.

**OC 274/07**

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

**1. THAT the Policy for Councillors' Access to information and interaction with Staff, being Attachment 1 of the report be adopted with the following amendments:**

- (a) **THAT the words "However, the General Manager's decision may be overruled by the Council" be added to Item 1.6 on page 29 to read as follows:**

*The General Manager shall not unreasonably decide that a document is not relevant to the performance of the Councillor's civic duty and deny access to a Council document. If access to the document is refused, the General Manager must provide reasons for the decision. However, the General Manager's decision may be overruled by the Council.*

- (b) **THAT Item 1.8 on page 29 of Attachment 1 (Policy Manual) be amended and an additional Item 1.9 be added on page 29 stating as follows:**

*If a Council document is forwarded to Councillors by the General Manager marked "Confidential" it must not be copied or shown to any other person without the approval of the Mayor or General Manager or by Council resolution and the reasons for the "confidentiality" must be stated on the front cover.*

- (c) **THAT under Interaction between Councillors and Council Staff on page 30 a new Item 2.2.4 be added to on page 30 to read as follows:**

*Staff must avoid overbearing or threatening behaviour.*

- (d) **THAT Item 2.4.8 on page 31 be deleted.**

- (e) **THAT Item 3.1.6 on page 32 should read as follows:**

*Where a Councillor accompanies an applicant or objector to a meeting with a Council Officer to discuss an application or proposed application, the appropriate Director, or a staff member nominated by the Director, must be present".*

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Cont'd.....

- (f) **THAT the words “or Manager” be added to Item 3.1.3 on page 32 to read as follows:**

*A Councillor has no rights to enter staff-only areas without the express authorisation of the General Manager, a Director or Manager, or by resolution of the Council.*

- (g) **THAT the words “senior staff” be removed from Item 4.1.1 on page 32 and replaced with “Managers” to read as follows:**

*Councillors approaching Council staff other than Directors or Managers for information on sensitive or controversial matters.*

- (h) **THAT the words “shall stand when speaking” be removed from Mode of Address Item 3.19.1 on page 38 of Attachment 3 (Interaction between Councillors and Council Staff during Meetings) except at full Council meetings to read as follows.**

*Councillors shall at all times address other Councillors by their official designation, as Mayor or Councillor, as the case may be; and with the exception of the chairperson, or any Councillor prevented by physical infirmity, shall stand when speaking during full Council meetings.(wsc)*

- (i) **THAT the Mayor or the General Manager may deem a document as being “Confidential”.**

2. **THAT the policy for Councillors’ Access to information and interaction with staff be reviewed after twelve (12) months by Council to ascertain its effectiveness and compliance.**

**PASSED**

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## QUESTIONS FROM THE PUBLIC

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1. LOCAL ENVIRONMENTAL PLAN 5900

Mr Terry Oakes-Ash referred to the LEP and stated that business was extremely concerned at the continuing delay in the exhibition of the LEP. He requested an up to date time line for the following:

- (i) Exhibition
- (ii) Public comment, and
- (iii) Date of likely implementation

The Director Environment & Planning advised that Council has reviewed the comments made by the Parliamentary Counsel (which related to legal drafting matters and some inconsistencies with the LEP template) and sent its response back yesterday. It is not possible to guarantee a time frame but in discussions with the local branch it appears we may have a certificate in a matter of weeks which will enable us to exhibit late November. The exhibition period would obviously be an extended period over December, January and probably early February as well and we can then begin the process of assessing all the submissions and reporting back to Council.

The Director Environment & Planning added that Council can only provide a time frame for the parts of the process that Council controls (i.e. the exhibition period) and then as quickly as possible after that deal with all the submissions. How long that takes depends on the nature of those submissions. Once Council signs off on the LEP and sends it back to the Minister for gazettal it's out of Council's hands.

Clr M Murray advised that when he and Clr P George met with the Minister one of his great concerns was anything that was delaying the LEP being gazetted. He is keen to get LEPs through the process and if there was a problem he would assist us.

Clr Murray asked that a copy of the letter received from the Department and Council's response be given to all Councillors for information.

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2. WORKS & PLANNING COMMITTEE MINUTES  
ITEM WP-EP1 – PROPOSED MOTEL, CNR YARRAWA AND DIXON  
STREETS, MOSS VALE LUA07/0385

Mr Anthony Booth referred to the above matter and asked the following questions:

- a) Has Council given due consideration to the bulk and scale of the proposed development as recommended in the initial report to the Works & Planning Committee.
- b) Why has the shadow diagram not been circulated to affected parties in Yarrawa Street?
- c) Has Council given consideration to the benefit of this proposed development to the Moss vale Services Club and the detrimental effect it will have on the residents of Yarrawa Street.

The Director Environment & Planning responded that staff had not initially requested shadow diagrams, these had been requested by the Works & Planning Committee on 3 October 2007.

Clr M Murray responded that this matter would come to Council for consideration later in the meeting as an item on the Works & Planning Committee meeting minutes.

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3. REVIEW OF COMMITTEE STRUCTURE 107, 800/1.1

Mr Mac Cott referred to the review of Council's committee structure and asked which meetings would be open to the public.

Clr M Murray responded that the meetings which would be open to the public would be the Council Meeting, the two meetings of the committee of the whole (i.e. Services & Infrastructure Committee and Strategy & Finance), the Working Group meetings and the Advisory Committee meetings which have always been open to the public in the past (with the exception of the Legal Committee).

The General Manager stated that meetings chaired by Councillors are generally open to the public.

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4. COUNCIL MEETING DATES 100/1

Mrs Pam Cooper asked for clarification on exactly when the Council Meetings will be held.

Clr M Murray responded that effectively Council will be meeting three times, i.e. the two committees of the whole (Services & Infrastructure Committee on the 1<sup>st</sup> Wednesday and the Strategy & Finance Committee) followed by an Ordinary Council Meeting on the 4<sup>th</sup> Wednesday. All meetings will be open to the public.

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5. COUNCIL & COMMITTEE MEETING TIMES

100/1

Ms Shelley Lee of Radio 2ST asked for clarification on Clr M King's motion in relation to all Council meetings starting at 4.00pm. She asked if this applied to all meetings or just the Council Meetings and when would the Strategy & Finance Meeting commence.

The General Manager advised that all Council meetings will commence at 4.00pm and the Strategy & Finance Committee Meeting will commence at an appropriate time prior to that meeting on the 4<sup>th</sup> Wednesday of the month.

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<b>o-CS4</b>	<b>Committee Appointments &amp; Resignations</b>
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REF: MAS	107/1
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Reporting on Management Committee Appointments and Resignations.

**OC 275/07**

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

1. **THAT Council accepts with regret the resignation of John Kelly from the Bundanoon Oval & Ferndale Reserve Management Committee and appoints Dennis Day AND THAT Mr Kelly and Mr Day be notified of Council's determination.**
2. **THAT Council appoints Darlene Bishop and Janeen Dale to the Hill Top Community Centres Management Committee AND THAT Ms Bishop and Ms Dale be notified of Council's determination.**
3. **THAT Council accepts with regret the resignation of Nikki McAdoo from the Loseby Park Youth Centre Management Committee and appoints Michelle Coates to Loseby Park Youth Centre Management Committee AND THAT Ms McAdoo and Ms Coates be notified of Council's determination.**
4. **THAT Council accepts with regret the resignations of Anne Warde, Jane Wilson and Jane Hope from the Robertson Community Centre Management Committee and appoints Frances Parrott and Ian Roxby to the Robertson Community Centre Management Committee AND THAT Ms Warde, Ms Wilson, Ms Hope Ms Parrott and Mr Roxby be notified of Council's determination.**
5. **THAT Council accepts with regret the resignation of Kay McMenomy from the Penrose Hall & Recreation Reserve Management Committee and appoints Jose Meijerink and Susan Lund to the Penrose Hall and Recreation Reserve Management Committee AND THAT Ms Menomy, Ms Meijerink and Ms Lund be notified of Council's determination.**
6. **THAT Council appoints Rebecca Mitchell to the Yerrinbool Community Hall Management Committee AND THAT Ms Mitchell be notified of Council's determination.**
7. **THAT the Bundanoon Oval & Ferndale Reserve Management Committee, Hill Top Community Centres Management Committee, Loseby Park Youth Centre Management Committee, Robertson Community Centre Management Committee, Penrose Hall & Recreation Reserve Management Committee and Yerrinbool Community Hall Management Committee be notified of Council's determination.**

**PASSED**

## TECHNICAL SERVICES DIVISION

o-TS1	Belmore Falls Road
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REF:	A/RTM	RD3651
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Reporting on ongoing pavement problems on Belmore Falls Road and seeking additional funding to undertake urgently required works.

### **OC 276/07**

*The Committee on a MOTION moved Cllr LAC Whipper and seconded Cllr T D Gair*  
**RECOMMENDED**

1. **THAT Council notes the proposed levels of service for Belmore Falls Road AND THAT residents in the vicinity of Belmore Falls Road be advised accordingly.**
2. **THAT Council allocates \$100,000 from savings in the 2007/2008 Roads to Recovery Program towards drainage improvements and gravel resheeting on Belmore Falls Road between Yeola Road and Wallaby Hill Road.**

**PASSED**

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**COUNCIL MATTERS**

**GENERAL MANAGER'S REPORTS**

**c-GM1 Weekly Circulars**

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

***OC 277/07***

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

***THAT the information relating to Local Government Weekly Circulars Nos 39/07 and 40/07 and Council Weekly Circulars Nos 39/07 and 40/07 be noted.***

**PASSED**

**Matters Arising from Weekly Circulars**

1. **PARKING STATISTICS**

Clr N N Campbell-Jones asked when another report on parking statistics would appear in the Weekly Circular.

The Director Environment & Planning responded that he would include some statistics in the next Weekly Circular.

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**CORPORATE SERVICES DIVISION**

<b>c-CS1</b>	<b>Pecuniary Interest Returns as at 30 September 2007</b>
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REF: DCS
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101/3
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Tabling Register of Pecuniary Interest Declarations as at 30 September 2007.

**OC 278/07**

*The Committee on a MOTION moved Clr T D Gair and seconded Clr LAC Whipper*  
**RECOMMENDED**

**THAT the information be received and noted.**

**PASSED**

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**QUESTION WITH NOTICE**

**OTHER MATTERS**

**QUESTIONS WITH NOTICE**

**c-QWN1 QWN 05/07 – Staff Shortages**

REF. GM 101/2

Reporting on the Question with Notice raised by Clr T D Gair dated 3 October 2007 regarding identifying a means of alleviating staff shortages.

**OC 279/07**

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

**THAT an Information Session for Councillors be held on this issue.**

**PASSED**

**c-QWN2 QWN 06/07 – Wingecarribee Community Services**

REF. GM 1855/29

Reporting on the Question with Notice raised by Clr T D Gair dated 3 October 2007 regarding the Wingecarribee Community Services Loan.

**OC 280/07**

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

1. **THAT a report be brought back to the next Ordinary Meeting of Council on Wednesday, 24 October 2007 that investigates other means of allowing the Community Services building in Queen Street, Moss Vale to be built.**
2. **THAT Council continues to explore other ways for Wingecarribee Community Services to repay the interest free loans.**

**PASSED**

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## COMMITTEE REPORTS TABLED

<b>c-CR1</b>	<b>Management and Advisory Committee Reports</b>
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REF.	DCS	107/1
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Submitting the minutes of the following Committee meeting that will be tabled for information.

1. Australia Day Committee meeting held on Wednesday, 3 October 2007

**OC 281/07**

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

**THAT the information contained in the Committee Report be noted.**

**PASSED**

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## COMMITTEE REPORTS ATTACHED

<b>c-CR2</b>	<b>Legal Committee</b>
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REF	DEP	107/22
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Submitting minutes of the Legal Committee meeting held Wednesday, 26 September 2007.

**OC 282/07**

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

**THAT the recommendations as detailed in the minutes of the Legal Committee meeting held Wednesday, 26 September 2007 be adopted.**

**PASSED**

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**c-CR3 Works & Planning Committee**

REF DCM

107/23

Submitting minutes of the Works & Planning Committee meeting held Wednesday, 3 October 2007.

Clr J Clark asked for it to be noted in the minutes that he was an apology and not in attendance at the meeting.

**OC 283/07**

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

**THAT recommendation Nos WP 66/07 to WP 71/07 as detailed in the minutes of the Works & Planning Committee meeting held Wednesday, 3 October 2007 be adopted with the exception of Item WP-EP1 Proposed Motel, Corner Yarrowa and Dixon Streets, Moss Vale and Item WP-EP2 Proposed Underground Restaurant at Mittagong Central.**

**PASSED**

1. PROPOSED MOTEL, CORNER YARRAWA AND DIXON STREETS, MOSS VALE (WP 66/07) LUA07/0385

**OC 284/07**

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

THAT this matter be deferred to allow consultation with the developer to address the issues of shadow and overlooking AND THAT a legal opinion be sought on the merits of a refusal based on privacy, overdevelopment of the site and overshadowing issues.

AMENDMENT moved by Clr LAC Whipper and seconded by Clr J R Clark

**THAT this application be refused due to the impacts of overshadowing, overdevelopment of the site, bulk of building, lack of on-site parking and privacy.**

**PASSED**

**AMENDMENT BECAME THE MOTION**

**MOTION PASSED**

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## EXTENSION OF TIME

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

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2. PROPOSED UNDERGROUND RESTAURANT AT MITTAGONG CENTRAL  
WP 67/07 LUA07/0902

Interest: Clr P B Tuddenham declared a non-pecuniary interest in this matter as he has a business and is co-owner of building in the immediate vicinity. He left the chamber, took no part in the debate and refrained from voting thereon.

### **OC 285/07**

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

1. ***THAT authority be delegated to the Director Environment & Planning to determine the development application for the proposed underground restaurant in the basement of "Mittagong Central", with any conditions of consent to be generally in accordance with Attachment 2 of the report.***
2. ***THAT the applicant be required to provide a further four (4) carparking spaces (in addition to the existing 41) in Regent Street.***

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

1. THAT the proposal be approved subject to 6am opening and 12 midnight closing.
2. THAT the proponent provide or contribute to all 28 car parking spaces as denoted by the Planning Department.

### **LOST**

#### VOTING ON THE AMENDMENT:

Voting for the Amendment: Clrs M Murray, P George, M King, Campbell-Jones

Voting against the Amendment: Clrs Yeo, Clark, S Murray, Whipper and Gair

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Cont'd....

**FORESHADOWED AMENDMENT** moved by Clr P A George and seconded by Clr M L King  
**RECOMMENDED:**

1. **THAT** the proposal be approved subject to 6am opening and 3am closing.
2. **THAT** the proponent provide or contribute to all 28 car parking spaces as denoted by the Planning Department.

**LOST**

**MOTION PASSED**

**VOTING ON THE MOTION:**

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

**Voting against the Motion:** Clrs M Murray, P George, M King, Campbell-Jones

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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, 19 September 2007.

**OC 286/07**

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

**THAT** recommendation Nos 1 to 4 as detailed in the minutes of the Environment Committee meeting held Wednesday, 19 September 2007 be adopted.

**PASSED**

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## GENERAL BUSINESS

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1. STATE OF BARRALLIER ROAD – GOODMAN'S FORD 7810/3

Clr P Yeo referred to a letter he had received regarding the general state of Barrallier Road – Goodmans Ford. He asked if the Director Technical Services could comment on the issues raised in that correspondence and respond to Clr Yeo.

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

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2. CHRISTMAS DECORATIONS IN BUNDANOON 1671/5.1

Clr J Clark stated that he had received a letter from a Bundanoon resident regarding Christmas decorations in Bundanoon and referring to the minutes of the meeting on 31 January 2007 when Council had been asked to consider setting aside an amount of \$48,000 for Christmas decorations in the shire. Clr Clark added that there was no funding in the budget for decorations and asked if Council would consider this request and respond.

The General Manager advised that no funding is available to accommodate this request.

Clr S Murray stated that she believed Council should have a policy on Christmas decorations.

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3. PROGRESS REPORT ON APPOINTMENT OF NEW RANGER 872/40

Clr N N Campbell-Jones again asked for an update on progress with the appointment of an additional ranger.

The Director Environment & Planning responded that Council has not found anybody appropriate to fill this position permanently as yet but has a casual employee carrying out parking duties in the interim.

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4. PROGRESS REPORT ON CORRESPONDENCE RECEIVED FROM MR PHILIP PURNELL REGARDING THE RID SQUAD 7500/17

Clr N N Campbell-Jones asked for an update on progress in this matter.

The General Manager responded that the investigation is ongoing and evidence is being collected in a manner that can be taken to court to be successful in a prosecution. Mr Purnell and the senior ranger from RID Squad have come into Council and he believed Mr Purnell was satisfied that everything that can be done is being done. However, Council is not at liberty to disclose the actual nature of the investigation.

Clr M Murray asked that a report on this matter be referred to the Legal Committee for consideration.

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5. HERITAGE ACT REVIEW 5650

Clr N N Campbell-Jones commended Kate Wooll, Council's Strategic Planner, on her comments in the report on the Heritage Act Review and believed it was a very well-balanced report.

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6. DEVELOPMENT APPLICATION FOR HOUSE IN BURRAWANG 5302/1

Clr P George stated that she had emailed some questions from a disgruntled member of the community to the Director Environment & Planning regarding a Development Application for his house in Burrawang.

The Director Environment & Planning believed that a report will be required for the Legal Committee on this matter.

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7. PATHWAY IN MITTAGONG 7810/5

Clr P George referred to the pathway in Mittagong and stated that she believed the community was not happy about how long the design and construction was taking. She asked for clarification and whether or not it is on track for completion.

The General Manager responded that Clr George would be provided with a copy of the project plan for the pathway.

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8. RADIO 2ST MEDIA REP LEAVING 1613/1

Clr P George advised that Ms Shelley Lee is leaving and tonight is her last Council Meeting. On behalf of all Councillors Clr George extended best wishes to Ms Lee for the future.

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9. ALTERNATIVE IDEAS FOR BONG BONG RACES 6615/2

Clr M King advised that Maureen Varnavsky, President of Bowral Chamber of Commerce is seeking alternative proposals for another function at the racecourse in lieu of the Bong Bong Picnic Races which have been cancelled due to the equine influenza outbreak.

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10. THANKS TO ALL COMMUNITY MEMBERS WHO HAVE SERVED ON COUNCIL COMMITTEES 107/1

Clr M King extended her sincere thanks to all community members who have served on Council committees. She stated that there would be avenues available in the future for their input and all Councillors look forward to thanking them personally at the upcoming function.

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11. REGULAR PARKING RANGER INSPECTIONS IN MOSS VALE 7460/26

Clr T D Gair referred to the proposed appointment of an additional parking ranger and stated that the Traffic Committee had recommended to Council that it has regular inspections of Clarence Street after comments made by the Moss Vale Chamber of Commerce. He asked how this would happen with no extra ranger and suggested Council may have to revisit the parking strategy for Bowral when the parking ranger came on board.

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12. REPORT ON STAFF PROBLEMS IN DESIGN SECTION 503/21

Clr T D Gair asked that in light of the staff problems in the Design Section could the Director Technical Services provide a verbal report on where we are up to with our road program at the next Ordinary Meeting of Council.

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

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13. THANKS TO PLANNING MINISTER AND PRU GOWARD FOR LEP 1400/5, 5900

Clr M Murray thanked Ms Pru Goward MP for organising the meeting with the Hon. Frank Sartor MP, Minister for Planning which was both useful and positive. He also thanked the Minister for his assistance in getting our Local Environmental Plan through Parliamentary Counsel. The meeting was also organised through contacts of Clr N N Campbell-Jones and Clr Murray extended his thanks to all concerned.

Clr Murray asked that Council write a letter of thanks to those people in relation to their assistance with the LEP.

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**CHAIRPERSON**

At 8.03pm, being the conclusion of Open Council and in the absence of the Mayor, Clr G Lewis, the Deputy Mayor, Clr P B Tuddenham, resumed the chair to conduct the remainder of Council business.

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**ADOPTION OF OPEN COUNCIL**

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107/10

**MN 336/07**

**MOTION** moved by Cllr P J Yeo seconded by Cllr LAC Whipper:

**THAT the recommendations of the Open Council held on Wednesday, 10 October 2007 being OC 264/07 to OC 286/07, be adopted.**

**PASSED**

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THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.03PM.

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 10 October 2007 numbered MN 332/07 to MN 336/07, were signed by me hereunder at the Council Meeting held on Wednesday, 24 October 2007.

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CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 24 OCTOBER 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, 10 October 2007

