

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/2008



held on Wednesday, 23 April 2008

The meeting commenced at 3.35pm.

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

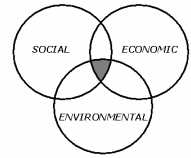
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Moss Vale on Wednesday, 23 April 2008

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 23 April 2008



COMMENCING AT: 3.35PM

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 (4.15pm),
Clr M J Murray, Clr P B Tuddenham, Clr L A C Whipper
and Clr P Yeo

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

PRAYER

100/1

The meeting was opened in prayer led by Pastor Ian Salmond of Bowral Church of Christ.

APOLOGY

PERS

MN 129/08

MOTION moved by Clr P Yeo and seconded by Clr M Murray:

THAT the apology of Clr S H Murray be accepted and leave of absence granted.

PASSED

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 2 APRIL 2008

100/1

MN 130/08

MOTION moved by Clr M Murray and seconded by Clr P Yeo:

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 2 April 2008 MN 117/08 to MN 126/08 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 16 APRIL 2008

100/1

MN 131/08

MOTION moved by Clr P Yeo and seconded by Clr M Murray:

THAT the minutes of the Extraordinary Meeting of Council held on Wednesday, 16 April 2008 MN 127/08 to MN 128/08 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting with the following exceptions:

1. **ITEM I. B) ON PAGE 5: PROPERTIES IDENTIFIED FOR RECLASSIFICATION WHICH SHOULD BE REMOVED FROM THE RECLASSIFICATION LIST IN THE DRAFT LEP (page 5)**

Item (g) Oxley Drive – Bowral (adjacent to Reservoir) be removed from this list as it is operational land which needs to be reclassified to community land.

2. **ITEM B) 1D ON PAGE 9 TO READ AS FOLLOWS:**

THAT Council proceeds with the reclassification of the land to community land and the rezoning of Lot 20 DP 862590, Oxley Drive Bowral and zone the land E2 Environmental Conservation accordingly.

PASSED

BUSINESS ARISING

1. LETTER FROM WOOLF & CO. ON BEHALF OF MOSS VALE
ACTION GROUP

5900/3

The Mayor referred to a letter to the General Manager from Woolf & Co. Solicitors which Clr L A C Whipper had tabled at the meeting and of which he had not received a copy. The Mayor added that this letter had been received at 12.20pm by Council's Records Section but as it was not stamped "*Urgent*" Councillors had not received a copy prior to the Extraordinary Meeting at 3.30pm. He expected all Councillors would have now received a copy of this correspondence but assured those present that at the time of the Extraordinary Meeting they had not.

The Mayor stated that he assumed Clr L A C Whipper had been given a copy by the Moss Vale Action Group and suggested that the correct procedure would be for all Councillors to have been provided with a copy.

Clr L A C Whipper responded that he had received the letter late in the afternoon and believed it had been forwarded to Council. He had given a copy to Clr M Murray prior to the commencement of the meeting.

DECLARATIONS OF INTEREST

101/3

1. Clr M Murray declared a non-pecuniary interest in Item c-QWN1 QWN 01/08 Write-off of Debt as it deals with a company whose director was his team's campaign manager in the 2004 Local Government election campaign. He stated that he would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.
2. Clr N N Campbell-Jones declared a non-pecuniary interest in Item c-QWN1 QWN 01/08 Write-off of Debt as it deals with a company whose director was his team's campaign manager in the 2004 Local Government election campaign. He stated that he would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.
3. Clr P George declared a non-pecuniary interest in Item c-QWN1 QWN 01/08 Write-off of Debt as it deals with a company whose director was his team's campaign manager in the 2004 Local Government election campaign. She stated that she would remain in the chamber when this matter is discussed, take part in the debate and vote thereon.
4. Clr M King declared a non-pecuniary interest in Item c-QWN1 QWN 01/08 Write-off of Debt as it deals with a company whose director was his team's campaign manager in the 2004 Local Government election campaign. She stated that she would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.

OPEN COUNCIL

MN 132/08

107/10

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

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

PASSED

VISITOR ITEMS

ENVIRONMENT & PLANNING DIVISION

v-EP1 Proposed Modification to Development Consent for Rifle Range, Hill Top

REF: DCM DA407/86; LUA07/1364

Reporting on proposed modification to existing consent for Rifle Range at Lot 100 DP 1088254 Wattle Ridge Road, Hill Top.

Mr Matt Hanbury addressed the Council on behalf of the objectors (refer also OC 55/08).

SUSPENSION OF STANDING ORDERS

5650, PN1724930, LUA07/1170

Clr M Murray requested that Item o-EP5 Jackman's Cottage, Bundanoon – Item of Heritage be heard at this juncture of the meeting due to the Land & Environment Court proceedings currently taking place in the Civic Centre Theatre and the decision of Council had to be taken to the proceedings.

OC 53/08

The Committee on a MOTION moved Clr M Murray and seconded Clr M King
RECOMMENDED:

THAT Item o-EP5 Jackman's Cottage, Bundanoon – Item of Heritage be heard at this juncture of the meeting.

PASSED

OPEN COUNCIL

o-EP5 Jackman's Cottage, Bundanoon – Item of Heritage

REF: SPM

5650; PN 1724930; LUA 07/1170

Reporting on the Interim Heritage Order affecting Jackman's Cottage, Governor's Street, Bundanoon.

OC 54/08

The Committee on a MOTION moved Clr M Murray and seconded Clr M King
RECOMMENDED:

1. **THAT** pursuant to Section 54 of the NSW Environmental Planning and Assessment Act, 1979 Council prepare a local environmental plan (LEP) amendment in order to include Jackman's Cottage being Lot 14 DP 1032 Governor's Street, Bundanoon and including Governor's Street as an item of environmental heritage.
2. **THAT** should Draft Wingecarribee Local Environmental Plan 2007 be re-exhibited that Jackman's Cottage and Governors Street be included within the heritage schedule.
3. **THAT** Council informs the NSW Department of Planning of its decision pursuant to Section 54(4) of the NSW Environmental Planning and Assessment Act, 1979.
4. **THAT** the Interim Heritage Order on Jackman's Cottage, Governors Street, Bundanoon be amended to include the curtilage of Jackman's Cottage and Governors Street, Bundanoon and be extended for a further six (6) months.

PASSED

VISITOR ITEMS

ENVIRONMENT & PLANNING DIVISION

v-EP1 Proposed Modification to Development Consent for Rifle Range, Hill Top

REF: DCM DA407/86; LUA07/1364

Reporting on proposed modification to existing consent for Rifle Range at Lot 100 DP 1088254 Wattle Ridge Road, Hill Top.

Mr Matt Hanbury had addressed the Council on behalf of the objectors and Mr Lex Welham now addressed Council on behalf of the applicant in this matter. Mr Welham also tabled a letter.

OC 55/08

The Committee on a MOTION moved Clr M Murray and seconded Clr L A C Whipper
RECOMMENDED:

THAT the proposed modification to Development Consent for Rifle Range, Hill Top be deferred to a future Ordinary Meeting of Council after an inspection of the site by Councillors has been undertaken.

PASSED

TECHNICAL SERVICES DIVISION

v-TS1	Emergency Risk Management (ERM) Study Project
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REF:	PPM	6310/1.1
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The purpose of this report is for the Local Emergency Management Committee (LEMC) to advise Council on the progress of the ERM Study and to obtain continuing support of the Study.

Ms Kylie Stefaniuk of Council's Parks & Property Department, addressed Council on this matter.

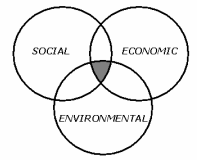
Clr J Mauger joined the meeting at 4.15pm.

OC 56/08

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

1. **THAT Council notes the Emergency Risk Management Study is an ongoing and continuing process being undertaken by the Local Emergency Management Committee (LEMC), which will require continued support by Council in accordance with legislative requirements outlined in the State Emergency and Rescue Management Act 1989 No165 (Division 3, Item 32);**
2. **THAT Council notes the requirement for funding bi-annually to conduct the review of the Emergency Risk Management Study for the life of the document.**
3. **THAT Council formally thanks the members of the Local Emergency Management Committee.**

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 17/3/08 and 14/4/08.

OC 57/08

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

THAT the information relating to Development Consent Nos 1-9 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 17/3/08 and 14/4/08, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

OC 58/08

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

THAT the information regarding the List of Land Use Applications Nos 1-20 received by Council be received and noted.

PASSED

.....Cont'd

Cont'd.....

Matters Arising from Development Applications Received by Council

- | | | |
|----|--|------------|
| 1. | <u>PYLON SIGN – 28 OXLEY HILL ROAD, BOWRAL</u> | LUA08/0317 |
| | <u>PYLON SIGN – ARGYLE STREET, MOSS VALE</u> | LUA08/0318 |

Clr N N Campbell-Jones referred to Items 3 and 4 above and requested that these matters be referred to Council as the proposed signage was outside Council's policy.

Clr T D Gair asked why these should come to Council when it was possible to advise the applicant that Council will abide by its 4.5 metre limit.

The Director Environment & Planning responded that this was a list simply to advise Councillors of applications received – not a list that indicates a determination. Council may not follow through with a full report but determine the matter by way of refusal under delegation. However, if it is going a different way it will be reported to Council for determination.

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- | | | |
|----|--|------------|
| 2. | <u>ALTERATIONS TO DOG BREEDING KENNELS</u> | LUA08/0280 |
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Clr N N Campbell-Jones referred to Item 6 and stated that he believed this was a contentious issue which should be referred to Council.

OC 59/08

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

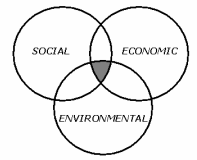
THAT Item 6 Alterations to Dog Breeding Kennels "Hillcrest" 12 Draper Road, Willow Vale be referred for consideration to a future Ordinary Meeting of Council.

PASSED

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- | | | |
|----|--|------------|
| 3. | <u>RELOCATION OF EXISTING DWELLING ON SITE – EXETER ROAD,
EXETER (VINE LODGE HOUSE PRECINCT)</u> | LUA08/0345 |
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Clr M Murray referred to Item 20 and asked for more detailed on the particular dwelling that was being relocated.

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



4. 7 LOT SUBDIVISION – 50 NORTH STREET, ROBERTSON LUA08/0350

Clr L A C Whipper referred to Item 19 and requested that this matter be referred to Council as there are environmental issues involved with this development.

OC 60/08

The Committee on a MOTION moved Clr L A C Whipper and seconded Clr J Clark
RECOMMENDED:

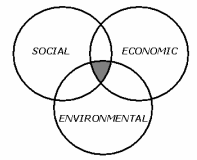
THAT Item 19 - 7 Lot Subdivision at 50 North Street, Robertson be referred to a future Ordinary Meeting of Council as there are environmental issues involved with this development.

PASSED

5. SEWERAGE TREATMENT PLANT, KANGALOO ROAD
ROBERTSON LUA08/0296

Clr T D Gair referred to Item 16 and asked if this report would include the revisit of the information session held last October in relation to pump-out fees etc.

The General Manager responded that it would not.



o-EP3	Land Use Applications Received
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REF: DCM

5302

Submitting a list of Land Use applications received under delegated authority of the Director of Environment & Planning for the month of March 2008.

Clr P Yeo suggested that the last sentence on page 19 of the agenda – i.e. “Please note the increase in dwelling lodged for month of June is due to the introduction of Basix on 1st July 2005” should be removed from future reports.

OC 61/08

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

THAT the information regarding the List of Land Use Applications Received by Council for the month of March 2008 be received and noted.

PASSED

o-EP4	S.94 Plan Reviews
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REF: SPM	5701, 5701/23
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Reporting on proposed administrative changes relevant to all Section 94 plans and water and sewer Developer Servicing Plans.

OC 62/08

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

1. **THAT the proposed amendments to all Council's Section 94 plans to apply consistent policies for: Timing of payments; Population projections and anticipated development; Indexation and CPI increases; Occupancy Rates; Treatment of Works in Kind (Material Public Benefit); The life of plans; Pooling of funds; Savings & transitional arrangements; Compliance certificates and the obligations of accredited certifiers; Exemptions; and Allowances for existing development as outlined in Attachment 1 be exhibited for 28 days.**
2. **THAT the proposed amendments to the Beaconsfield Road Moss Vale Development Area Developer Contributions Plan, East Bowral Developer Contributions Plan be exhibited for 28 days.**
3. **THAT the proposed amendments to Council's Water and Sewer Development Servicing Plans to apply consistent policy's for: Timing of payments; Indexation and CPI increases be exhibited for 40 days.**
4. **THAT a report be submitted to Council for consideration following the exhibition period.**

PASSED

o-EP5 Jackman's Cottage, Bundanoon – Item of Heritage

REF: SPM

5650; PN 1724930; LUA 07/1170

Reporting on the Interim Heritage Order affecting Jackman's Cottage, Governor's Street, Bundanoon.

This matter was considered earlier in the meeting (refer OC 54/08).

o-EP6 Draft Policy for Sustainability and Design Criteria for New Release Areas

REF: SPM

5602/13

The purpose of this report is to advise Council with regard to the exhibition of the *Draft Policy for Sustainability and Design Criteria for New Urban Release Areas* (for the purpose of this report - DPS&DCNURA) and recommend the implementation of the policy.

This report considers one submission received from Crighton Properties.

OC 63/08

The Committee on a MOTION moved Clr P Yeo and seconded Clr L A C Whipper
RECOMMENDED:

1. **THAT Council's Policy for Sustainability & Design Criteria for New Urban Release Areas becomes effective two (2) weeks from the date of this report by way of an advertisement within the local newspapers (inclusion of words at bottom of matrix that states "This should be read in conjunction with the Draft Sydney/Canberra corridor regional strategy and Council's own Planning Strategy".**
2. **THAT Crighton Properties be advised of Council's decision.**

PASSED

o-EP7 Road Construction standard for Joadja Road, Joadja

REF: DCM

LUA06/0994.01

Reporting on S.96 application to modify development consent for an 11 lot subdivision at Lots 22 & 23 DP 1023493 Joadja Road, Joadja.

OC 64/08

The Committee on a MOTION moved Clr M King and seconded Clr M Murray
RECOMMENDED:

1. THAT as the amended Development Application approval consists of only nine (9) new dwellings, and not the twenty five (25) dwellings and one hundred (100) bed Eco resort in the original application, the Joadja Road upgrade be carried out when the Eco resort goes ahead AND THAT a Development Application be lodged for the Eco resort within 18 months.
2. THAT the applicant maintains the road in the meantime to a standard acceptable to Council.
3. THAT upon the formation of the trust (Joadja Conservation Trust) to the satisfaction of the Heritage Office, the linen plan be signed and released.

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

1. THAT Council delegates authority to the Director Environment & Planning to modify the development consent to require a 6 metre pavement width, and to advise the applicant that Council declines the offer of a monetary payment to undertake the roadworks.
2. THAT the Property Officer arranges for the dedication of the eastern section of Joadja Road as Public Road.

LOST

VOTING ON THE AMENDMENT:

Voting for the Amendment:

Clrs J Mauger, T D Gair, L A C Whipper, J Clark and P Yeo

Voting against the Amendment:

Clrs M King, M Murray, P George, N N Campbell-Jones, Tuddenham and Lewis

.....Cont'd

Cont'd.....

The Committee on a FORESHADOWED AMENDMENT moved as a FURTHER AMENDMENT by Clr M Murray and seconded by Clr N N Campbell-Jones **RECOMMENDED:**

THAT this matter be deferred to the Ordinary Meeting of Council to be held on Wednesday, 14 May 2008.

PASSED

AMENDMENT BECAME THE MOTION

MOTION PASSED

o-EP8	Proposed Restaurant and Bed and Breakfast Facility including Alterations and Additions at 'The Poplars Inn', Hume Hwy, Braemar
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REF:	MC
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LUA07/1182

Reporting on a proposal for alterations and additions to create a restaurant and bed and breakfast facility at 'The Poplars Inn' located at Lot 32 DP 550667 Old Hume Hwy, Braemar.

OC 65/08

The Committee on a MOTION moved Clr P Yeo and seconded Clr L A C Whipper
RECOMMENDED:

THAT Council delegates authority to the Director Environment & Planning to issue an appropriately worded and conditioned consent including the proposed draft conditions accompanying this report, including the requirements of the Roads & Traffic Authority.

PASSED

o-EP9	Proposed Dwellings, Lots 2, 4 & 6 DP 255696 Missingham Pde, Robertson
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REF:	DCM
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LUA08/0243; LUA08/0244; LUA08/0245

Reporting on proposed dwelling houses at Lots 2, 4, & 6 DP 255696 Missingham Parade, Robertson.

OC 66/08

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

1. **THAT Council supports the SEPP1 objections and refers the development applications to the Director-General, Department of Planning for concurrence.**
2. **THAT Council delegates authority to the Director Environment & Planning to determine the development applications upon receipt of a response from the Director-General; and**
3. **THAT Council amends Draft LEP2007 by adding a clause to enable Council to approve a dwelling-house on any lot created under either Wingecarribee IDO 1 or Wingecarribee IDO 2 between 21 November 1975 and 12 January 1990 for the purpose of a dwelling-house.**

PASSED

o-EP10 Request for removal of Common Seal of Council

REF: DCM

LUA00/1227

Reporting on a request for removal of the Common Seal of Council at Lot 32 DP 869229 Yarrawa Road, Moss Vale.

OC 67/08

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

THAT the Mayor and General Manager be granted authority to release the 88(E) Restriction on the property at Lot 32 DP 869229 Yarrawa Road, Moss Vale allowing the removal of the Common Seal of Council.

PASSED

o-EP11 Timber Fence at Eridge Park & Old South Roads, Bowral (Lonergan)

REF: DCM

PN1739850; LUA08/0137

Reporting on fencing erected at Lot 11 DP 1093603 No 51 Eridge Park Road, Burradoo

OC 68/08

The Committee on a MOTION moved Clr M Murray and seconded Clr L A C Whipper
RECOMMENDED:

THAT the development application be refused.

The Committee on an AMENDMENT moved by Clr T D Gair seconded by Clr N N Campbell-Jones
RECOMMENDED:

THAT subject to the fence being treated with a weathering material the application be approved.

LOST

MOTION PASSED

VOTING ON THE MOTION:

Voting for the Motion: Clrs G Lewis, J Mauger, M King, M Murray, P George, P Tuddenham, L A C Whipper and P Yeo

Voting against the Motion: Clrs T D Gair, N N Campbell-Jones and J Clark

o-EP12 Development Consent Period

REF: DCM

5302

Reporting on period of development consents.

OC 69/08

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

1. **THAT for development in a Business or Industrial Zone, a development consent will lapse five (5) years after the date from which it operates;**
2. **THAT for development in any other Zone, a development consent will lapse two (2) years after the date from which it operates, and in this case Council may grant an extension of one (1) year.**

PASSED

o-EP13 Kangaloon Borefield Environmental Assessment Review

REF: EHM

5458/7, 5464/1

Reporting on review of Environmental Assessment documents prepared for the SCA in relation to the Kangaloon Borefield project.

OC 70/08

The Committee on a MOTION moved Clr L A C Whipper and seconded Clr M Murray
RECOMMENDED:

THAT a further report on the Kangaloon Borefield Environmental Assessment Review be prepared and referred to the Ordinary Meeting of Council to be held on Wednesday, 14 May 2008.

PASSED

CORPORATE SERVICES DIVISION

o-CS1	Deed of Agreement – Southern Councils Group
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REF.	MAS	205, 205/3, 207
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Reporting on request from Southern Councils Group to enter into a formal Deed of Agreement which will formalise Kiama Council's role as manager of the Southern Councils Group and authorise it to act on behalf of the Group.

OC 71/08

The Committee on a MOTION moved Clr G Lewis and seconded Clr T D Gair
RECOMMENDED:

1. **THAT Council enters into a Deed of Agreement with Kiama Municipal Council and other member Councils known collectively as the Southern Councils Group AND THAT the Deed of Agreement be executed under the Common Seal of the Council.**
2. **THAT the executed Deed of Agreement be forwarded to Kiama Municipal Council.**

PASSED

o-CS2	Investments as at 31 March 2008
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REF:	FSM	2104
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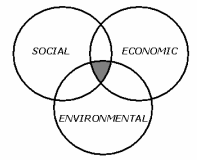
Submitting details of Council's Investments as at 31 March 2008

OC 72/08

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

THAT the information on Council's Investments as at 31 March 2008 be received and noted.

PASSED



COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 Weekly Circulars

REF.	GM	100/8, 203/2008
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Confirming receipt of weekly circulars from the Local Government Association and Council weekly circulars.

OC 73/08

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

THAT the information relating to Local Government Weekly Circulars Nos 13/08 and 14/08 and Council Weekly Circulars Nos 15/08 and 16/08 be noted.

PASSED

OTHER MATTERS

OTHER MATTERS

CORRESPONDENCE FOR ATTENTION

c-CA1 Letter received from Deputy Director General re Macquarie Bicentenary

REF. MAS 1670

Reply to letter sent supporting Macquarie Bicentenary 2010 and seeking funding.

OC 74/08

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

THAT the correspondence forwarded by S.S. Smith, Deputy Director General be received and noted.

PASSED

OTHER MATTERS

QUESTION WITH NOTICE

c-QWN1 QWN 01/08 – Write-off of Debt

REF. GM 101/2

Reporting on a Question with Notice raised by Clr L A C Whipper on the write-off of an outstanding debt.

Interest: Clr P B Tuddenham – left the chamber pending receipt of legal advice on whether he has an interest in this matter. He left the chamber, took no part in the debate and refrained from voting thereon.

Interest: Clr M Murray declared a non-pecuniary interest in Item c-QWN1 QWN 01/08 Write-off of Debt as it deals with a company whose director was his team’s campaign manager in the 2004 Local Government election campaign. He stated that he would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.

Interest: Clr N N Campbell-Jones declared a non-pecuniary interest in Item c-QWN1 QWN 01/08 Write-off of Debt as it deals with a company whose director was his team’s campaign manager in the 2004 Local Government election campaign. He stated that he would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.

Interest: Clr P George declared a non-pecuniary interest in Item c-QWN1 QWN 01/08 Write-off of Debt as it deals with a company whose director was his team’s campaign manager in the 2004 Local Government election campaign. She stated that she would remain in the chamber when this matter is discussed, take part in the debate and vote thereon.

Interest: Clr M King declared a non-pecuniary interest in Item c-QWN1 QWN 01/08 Write-off of Debt as it deals with a company whose director was his team’s campaign manager in the 2004 Local Government election campaign. She stated that she would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.

OC 75/08

The Committee on a MOTION moved Clr L A C Whipper and seconded Clr M Murray
RECOMMENDED:

THAT information be provided in relation to whether or not Council has issued a Statement of Liquidated Claim including a written response from the debt collection agency in relation to this debt; who is responsible for chasing this debt; why residents of the shire are being pursued for smaller amounts when this debt has been outstanding for so long; AND THAT information be made available by way of a further report to Council as soon as possible.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 23 April 2008

REPORT OF DIRECTOR TECHNICAL SERVICES

TECHNICAL SERVICES DIVISION

o-TS1 Construction of Shared Pathway & Traffic Lights – Welby to Mittagong

REF: DPM, SPM

6690, RD 3181/1, 7830

Reporting on the construction costs of the Welby to Mittagong shared pathway from Franklin Street to Pioneer Street and the construction of traffic signals at the intersection of Bessemer Street and the Old Hume Highway, Mittagong. This matter was discussed at a Councillor Information session held on the 19 March 2008.

This report was introduced by Council's Director Technical Services, Mr Michael Brearley.

OC 76/08

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

1. THAT the \$180,000 allocated in the land rental reserves for the Pioneer Street roundabout be used for the installation of traffic signals at Bessemer Street and Old Hume Highway;
2. THAT the \$45,000 shortfall for the installation of traffic and pedestrian signals at the Bessemer Street and Old Hume Highway intersection be funded from the Capital Projects Reserve;
3. THAT the Bessemer Street to Pioneer Street section of the Welby to Mittagong shared path (being 250m in length) be considered for funding in a future council budget;
4. THAT Council writes to Mr John Stevenson to thank him for his assistance in preparing an estimate for the project.
5. THAT Recommendation 3. of the report be deferred until a full costing has been carried out for a shared pathway on the southern side.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 23 April 2008

REPORT OF DIRECTOR TECHNICAL SERVICES

The Committee on an AMENDMENT moved Clr L A C Whipper and seconded Clr P Yeo **RECOMMENDED:**

1. **THAT the \$180,000 allocated in the land rental reserves for the Pioneer Street roundabout be used for the installation of traffic signals at Bessemer Street and Old Hume Highway;**
2. **THAT the \$45,000 shortfall for the installation of traffic and pedestrian signals at the Bessemer Street and Old Hume Highway intersection be funded from the Capital Projects Reserve;**
3. **THAT the Shared Pathway be constructed within the available budget of \$600,000 by reducing the scope of works (deletion of Bessemer Street to Pioneer Street section);**
4. **THAT the Bessemer Street to Pioneer Street section of the Welby to Mittagong shared path (being 250m in length) be considered for funding in a future Council budget;**
5. **THAT Council writes to Mr John Stevenson to thank him for his assistance in preparing an estimate for the project.**
6. **THAT the Section 94 Planner investigates alternative means of raising money to complete the section between Bessemer and Pioneer Streets, Mittagong.**

PASSED

AMENDMENT BECAME THE MOTION

MOTION PASSED

Dissenting Votes: Clrs N N Campbell-Jones, M Murray and P Tuddenham requested that their dissenting votes be recorded in respect of this motion

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.

NOTICES OF MOTION

NOTICES OF MOTION

c-NM1 13/2008 – Notice of Motion: Shared Pedestrian / Cycleway Path

REF: MAS

100/4, 7830

Clr J R Clark has given notice of his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 23 April 2008.

“THAT Council’s Design Branch complete detailed investigations of comparative costings and route feasibility options for a shared pedestrian / cycleway path connection between Bowral and Mittagong”.

MN 133/08

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

1. **THAT** Council’s Design Branch completes detailed investigations of comparative costings and route feasibility options for a shared pedestrian / cycleway path connection between Bowral and Mittagong.
2. **THAT** the initial design costing/feasibility and proposed route be included in Council’s design funding allocation for 2008/2009.

PASSED

NOTICES OF MOTION

c-NM2 14/2008 – Notice of Motion: Proposed Letter to Premier re Privatisation of NSW Electricity Industry

REF: MAS

100/4, 6321

Clr J R Clark has given notice of his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 23 April 2008.

*“**THAT** Council writes to the Premier, the Treasurer, the NSW LG-SA and MPs Pru Goward and Matt Brown, expressing Council’s opposition to the proposed privatisation of the NSW Electricity industry and concern about the following consequences –*

1. *The potential for job losses and reduced working conditions in the NSW Electricity industry.*
2. *The potential for increased financial hardship on consumers, particularly those on low incomes.*
3. *The potential to reduce Government control over the amount of greenhouse gas emissions produced in NSW.*
4. *The potential impact on Wingecarribee Council as a major consumer of electricity.*
5. *The Potential loss of revenue to the state”.*

MN 134/08

MOTION moved by Clr J Clark and seconded by Clr L A C Whipper:

1. ***THAT Council writes to the Premier, the Treasurer, the NSW Local Government & Shires Association and MPs Pru Goward and Matt Brown, expressing Council’s opposition to the proposed privatisation of the NSW electricity industry and concern about the following consequences:***
 - a. *The potential for job losses and reduced working conditions in the NSW electricity industry.*
 - b. *The potential for increased financial hardship on consumers, particularly those on low incomes.*
 - c. *The potential to reduce Government control over the amount of greenhouse gas emissions produced in NSW.*
 - d. *The potential impact on Wingecarribee Council as a major consumer of electricity.*
 - e. *The potential loss of revenue to the state.*

PASSED

Dissenting Vote: Clr P George requested that her dissenting vote be recorded in respect of this motion.

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 three (3) Committee meetings that will be tabled for information.

MN 135/08

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

THAT the information contained in the three (3) Committee Reports be noted.

PASSED

COMMITTEE REPORTS

COMMITTEE REPORTS ATTACHED

c-CR2	Traffic Committee
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REF	TE	107/6
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Submitting minutes of the Traffic Committee meeting held on Monday, 31 March 2008.

MN 136/08

MOTION moved by Cllr T D Gair and seconded by Cllr M Murray:

THAT Recommendation Nos TC 23/08 to TC 51/08 as detailed in the minutes of the Traffic Committee meeting held Monday, 31 March 2008 be adopted with the exception of Items TC 32/08 Various Matters in Oxley Mall Carpark, Bowral and 42/08 Shopping Centre Directional Signs for Moss Vale.

PASSED

1. VARIOUS MATTERS IN OXLEY MALL CARPARK, BOWRAL 7470/1
TC 32/08

MN 137/08

THAT a meeting be arranged between the Mayor and appropriate Council officers with a view to improving a number of aspects in Coles carpark.

PASSED

2. SHOPPING CENTRE DIRECTION SIGNS FOR MOSS VALE 7415/4

MN 138/08

MOTION moved by Cllr T D Gair and seconded by Cllr P Yeo:

THAT Council contributes up to \$1,600 towards the cost of erecting directional signs in Moss Vale Shopping Centre

PASSED

COMMITTEE REPORTS

c-CR3 Tourism / Economic Development Working Group

REF EDO 107/24

Submitting minutes of the Economic Development Committee meeting held on Wednesday, 19 March 2008.

The Director Corporate Services asked for it to be noted that there were no recommendations in these minutes and that the minutes should not come to Council as it is a Working Group.

MN 139/08

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

THAT the minutes of the Economic Development / Tourism Working Group Committee meeting held Wednesday, 19 March 2008 be noted.

PASSED

c-CR4 Wingecarribee Aboriginal Advisory Committee

REF SPM, PO 1826/4

Submitting minutes of the Wingecarribee Aboriginal Advisory Committee meeting held on Tuesday, 26 February 2008.

Clr N N Campbell-Jones referred to Item 9.4 regarding the EOI sent by the Mirri Mirri Bunderra Aboriginal Corporation on the lease of 73 Station Street, Bowral. The General Manager had explained to Ms Sandra Brooks at the Ordinary Meeting of Council on Wednesday, 2 April 2008 that this was a commercial concern and it was not advertised among all the community groups in the Southern Highlands.

The Director Corporate Services will advise via the Weekly Circular the weekly rent for this property.

MN 140/08

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

THAT the recommendations as detailed in the minutes of the Wingecarribee Aboriginal Advisory Committee meeting held Tuesday, 26 February 2008 be adopted.

PASSED

COMMITTEE REPORTS

c-CR5	Moss Vale Livestock Selling Centre Board
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REF	PPM	7170/01
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Submitting minutes of the Moss Vale Livestock Selling Centre Board meeting held on Friday, 15 February 2008.

MN 141/08

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

THAT the recommendations as detailed in the minutes of the Moss Vale Livestock Selling Centre Board meeting held Friday, 15 February 2008 be adopted.

PASSED

c-CR6	Moss Vale Livestock Selling Centre Board
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REF	PPM	7170/01
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Submitting minutes of the Moss Vale Livestock Selling Centre Board meeting held on Friday, 11 April 2008.

MN 142/08

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

THAT the recommendations as detailed in the minutes of the Moss Vale Livestock Selling Centre Board meeting held Friday, 11 April 2008 be adopted.

PASSED

COMMITTEE REPORTS

c-CR7	Legal Committee
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REF	DEP	107/22
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Submitting minutes of the Legal Committee meeting held on Wednesday, 9 April 2008.

MN 143/08

MOTION moved by Cllr T D Gair and seconded by Cllr M Murray:

THAT the recommendations as detailed in the minutes of the Legal Committee meeting held Wednesday, 9 April 2008 be adopted.

PASSED

GENERAL BUSINESS

GENERAL BUSINESS

1. LEAVE OF ABSENCE – CLR P YEO

PERS

Clr P Yeo sought leave of absence for the Extraordinary Meeting of Council to be held on Wednesday, 30 April 2008 and the Ordinary Meetings of Council to be held on Wednesday, 14 May and Wednesday, 28 May 2008.

MN 144/08

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

THAT Clr P Yeo be granted leave of absence for the Extraordinary Meeting of Council to be held on Wednesday, 30 April and the Ordinary Meetings of Council to be held on Wednesday, 14 and 28 May 2008.

PASSED

2. PENROSE PAINTBALL – REVIEW OF CONDITIONS OF CONSENT LUA03/1303

Clr J Clark referred to correspondence received regarding the Penrose Paintball Facility and requested that Council undertakes to complete a site visit to Penrose Paintball to confirm their compliance with consent conditions, particularly:

- a) Participants moving outside safe playing area and firing guns at close range to adjoining property and residents
- b) Lack of fenced safety zone to adjoining property
- c) Noise from metal objects remaining in playing field being struck by paint balls

The Director Environment & Planning responded stated that the consent was issued for a period of two (2) years which wouldn't have expired as yet but it would be appropriate to review the current situation.

GENERAL BUSINESS

3. BANNER POLES IN MITTAGONG 1603/18

Clr P B Tuddenham referred to the banner poles in Mittagong which had been taken down. He asked for a status report on this matter including any indication of total cost of replacement and whether on inspection all the poles were badly damaged.

The Director Technical Services responded that the poles required re-welding as there were some faults with the welds and they were still stored at Mittagong Depot. He added that he would provide information on replacement cost via the Weekly Circular.

3. "HUMP BACK" BRIDGE IN RANGE ROAD, MITTAGONG 7810/10.1

Clr N N Campbell-Jones referred to the grass on the north east end of the "hump back" bridge in Range Road, Mittagong which is now so high that people are having to walk out onto the road to get onto it. He asked if the grass could be cut as soon as possible in the interests of safety.

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

4. SECTION 96 APPROVALS ON HERITAGE PARK, BOWRAL LUA06/0976

Clr N N Campbell-Jones asked for a chronological order of approval and Section 96 approvals on the Heritage Park development as he receives many complaints from the community about this development.

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

5. MERYLA ROAD, MOSS VALE RD 3381

Clr P George stated that she had received a complaint from a resident regarding the grading of Meryla Road, Moss Vale and the height of the grass.

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

6. TOURISM AMBASSADOR PROGRAM 1671/2

Clr M King commended Tourism Southern Highlands on its excellent "Ambassador Program" initiative.

The Mayor confirmed that overall the program had been very well received.

GENERAL BUSINESS

7. JOADJA CONSERVATION PROJECT 5450

Clr M King referred to the above development and stated that she wished to register her utter disgust that Council could not make a decision to allow the Joadja Conservation Project to go ahead after two (2) long years of negotiation and deliberation. She added that the applicant was here tonight, the Councillors were here, the relevant staff were here and a decision **still** could not be made.

Clr King believed that Wingecarribee Shire did not deserve the Joadja project and that this was a blight on Council.

8. ROBERTSON SEWERAGE PUMP OUT 7650/1

Clr T D Gair referred to the Robertson Sewerage Pump-out information session held a couple of months ago and believed that Council was going to revisit what it was doing in relation to the charging of pump outs until the scheme started. He asked for a status report on this matter.

The Director Technical Services responded that this was a matter for the Environment & Health Manager.

9. CHANGED MEETING DATES 100/1

Clr T D Gair referred to the recent review of Council committee meeting dates and stated that when this review was undertaken the terms of reference for the existing committees (and in particular the Access Working Group and the Seniors Working Group. He believed the terms of reference for these committees were quite loose and asked for a comment from Council's Community & Cultural Development Officer.

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

10. REAL ESTATE SIGNAGE 7415

Clr G Lewis referred to the plethora of real estate signage (i.e. 18 *For Sale* signs) appearing within a 1km section of Bowral. He flagged this matter for further discussion and wondered whether the large number of "For Sale" signs reflected the mortgage problems being experienced in the real estate market.

CORPORATE SERVICES DIVISION

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

At this juncture, the time being 7.00pm, 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 145/08

MOTION moved by Clr P Yeo and seconded by Clr M Murray:

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

c-GM-1 **TENDER FOR THE SUPPLY & DELIVERY OF A ROAD PATCHING MAINTENANCE UNIT** 6330/08.2

Relevant Legal Provision

This matter is referred to closed committee under Clause 10A(2) (c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is (or proposes to conduct) business.

Brief Description

Reporting on the matter of tenders for trade-in and purchase of a Road Patching Unit for use in the Roads and Traffic Branch.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information of a commercial nature.

c-GM-2 TENDER FOR THE SUPPLY & DELIVERY OF A MOTOR GRADER 6330/08.1

Relevant Legal Provision

This matter is referred to closed committee under Clause 10A(2) (g) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is (or proposes to conduct) business.

Brief Description

Reporting on the matter of tenders for the trade-in and purchase of a Motor Grader for use on Council Roads by the Roads and Traffic Branch.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information of a commercial nature.

c-CS-3 BRIEFING ON CURRENT STATUS OF LEGAL MATTER WSC V LEHMAN BROTHERS AUSTRALIA 2104

Relevant Legal Provisions

This report is placed in Closed Committee under clause 10A(2)(g) of the Local Government Act 1993 as it contains advice concerning litigation.

Brief Description

Reporting on information concerning current status of legal matter, WSC V Lehman Brothers Australia.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because 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.

2. **THAT the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.**

PASSED

TECHNICAL SERVICES DIVISION

c-GM-1 Tender for the Supply & Delivery of a Road Patching Maintenance Unit
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REF: RTM	6330/08.2
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Relevant Legal Provision

This matter is referred to closed committee under Clause 10A(2) (c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is (or proposes to conduct) business.

Brief Description

Reporting on the matter of tenders for trade-in and purchase of a Road Patching Unit for use in the Roads and Traffic Branch.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information of a commercial nature.

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

THAT Council accepts the Tender of Paveline Industries Pty Ltd dated 11 February 2008 for the supply and delivery of a Paveline Road Patching Unit at a change-over cost of \$166,560.00.

PASSED

c-GM-2 Tender for the Supply & Delivery of a Motor Grader

REF: RTM

6330/08.1

Relevant Legal Provision

This matter is referred to closed committee under Clause 10A(2) (c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is (or proposes to conduct) business.

Brief Description

Reporting on the matter of tenders for the trade-in and purchase of a Motor Grader for use on Council Roads by the Roads and Traffic Branch.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information of a commercial nature.

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

1. **THAT Council accepts the Tender of Westrac Caterpillar dated 7 February 2008 for the supply and delivery of a Caterpillar 12M Motor Grader in the amount of \$321,000.00;**
2. **THAT Council accepts the offer to purchase the existing motor grader for \$155,650.00 from R D Williams Machinery Sales Pty Ltd.**

PASSED

EXTENSION OF TIME

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

CORPORATE SERVICES DIVISION

c-CS3	Briefing on Current Status of Legal Matter WSC v Lehman Brothers Australia
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REF.	DCS	2104
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Considering an update on the current status of legal matters.

Relevant Legal Provisions

This report is placed in Closed Committee under clause 10A(2)(g) of the Local Government Act 1993 as it contains advice concerning litigation.

Brief Description

Reporting on information concerning current status of legal matter, WSC V Lehman Brothers Australia.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because 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.

The Committee on a MOTION moved by Clr G Lewis seconded by Clr P B Tuddenham

RECOMMENDED:

THAT the information provided in relation to Wingecarribee Shire Council v Lehman Brothers Australia be received and noted.

PASSED

OPEN COUNCIL

107/10

MN 146/08

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

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 147/08

MOTION moved by Clr G Lewis seconded Clr P B Tuddenham:

THAT the recommendations of the Closed Council held on Wednesday, 23 April 2008 GM-1, GM-2 and CS-3, be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

107/10

MN 148/08

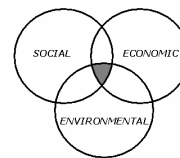
MOTION moved by Clr G Lewis seconded Clr P B Tuddenham:

THAT the recommendations of the Open Council held on Wednesday, 23 April 2008 being OC 53/08 to OC 76/08, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 23 April 2008
CLOSED COUNCIL



THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.50PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 23 April 2008 numbered MN 129/08 to MN 148/08, were signed by me hereunder at the Council Meeting held on Wednesday, 14 May 2008.

CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 14 MAY 2008

CHAIRMAN

PUBLIC OFFICER