

# MINUTES

## OF THE ORDINARY MEETING OF COUNCIL

*File No. 100/07*



held on Wednesday, 28 May 2008

The meeting commenced at 3.35pm.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 28 May 2008

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**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, Clr M J Murray,  
Clr S H Murray (4.30pm), Clr P B Tuddenham and  
Clr L A C Whipper

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

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**PRAYER**

100/1

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

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**PUBLIC FORUM ADDRESS**

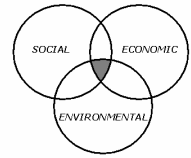
1. Mr Ian Woolfe requested and was granted permission to address Council on the following item in the agenda:  
*o-CS6 Lease of Hill Top War Memorial Hall, Lots 16 & 16, Section 3, Deposited Plan 6221, At Hill Top*
2. Mr Peter Grigg requested and was granted permission to address Council on the following item in the agenda:  
*o-TS1 Exeter Park Public Amenities Upgrade*

The Mayor, Clr G Lewis, thanked Mr Woolfe and Mr Grigg for their comments which would be taken into account when the matter was discussed later in the meeting.



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### APOLOGY

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***MN 195/08***

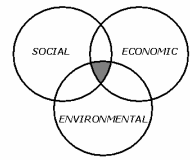
PERS

***MOTION*** moved by *Clr J Clark* and seconded by *Clr M Murray*:

***THAT*** the apology of *Clr P Yeo* 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, 14 MAY 2008

100/1

**MN 196/08**

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

**THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 14 May 2008 MN 168/08 to MN 194/08 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting with the following correction to Item o-CS2 Pensioner Rate Rebate Claim on page 20 in that the Claim Number should be 138 and the period of the claim should be from 1 January 2008 to 30 April 2008.**

**PASSED**

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## DECLARATIONS OF INTEREST

101/3

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1. Clr M Murray declared a pecuniary interest in Item o-EP4 Proposed Policy for the Consideration of Development Applications involving 'Severed Lots' as one of the properties that is dealt with is owned by his children's grandparents. He stated he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
  2. Clr P Tuddenham advised that he had sought legal advice regarding Item o-CS3 – Outstanding Debt. He stated that he would leave the chamber, take no part in the debate and discuss this matter further with the General Manager.
  3. Clr T D Gair declared a pecuniary interest in Item o-EP4 Proposed Policy for the Consideration of Development Applications involving 'Severed Lots' as a casual employee of his has a pecuniary interest and therefore a financial benefit. He stated he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
  4. Clr M King declared a non-pecuniary interest in Item o-EP4 Proposed Policy for the Consideration of Development Applications involving 'Severed Lots' as the owner of one of the properties involved in this matter had given a donation to her team's campaign funds in the last Local Government elections. She stated that she would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.
  5. Clr M King declared a non-pecuniary interest in Item o-CS3 – Outstanding Debt as the person involved in this matter was her team's campaign manager in the last Local Government elections. She stated that she would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.
  6. Clr P George declared a non-pecuniary interest in Item o-EP4 Proposed Policy for the Consideration of Development Applications involving 'Severed Lots' as one of the property owners had donated to her team's election campaign in the last Local Government elections. She stated that she would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.
  7. Clr P George declared a non-pecuniary interest in Item o-CS3 - Outstanding Debt as the person involved in this matter was her team's campaign manager in the last Local Government elections. She stated that she would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.
  8. Clr N N Campbell-Jones declared a non-pecuniary interest in Item o-CS3 - Outstanding Debt as the person involved in this matter was his team's campaign manager in the last Local Government elections. He stated that he would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.
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9. Clr M Murray declared a non-pecuniary interest in Item o-CS3 - Outstanding Debt as the person involved in this matter was his team's campaign manager in the last Local Government elections. He stated that he would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.
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**ADDITIONAL MATTERS RAISED BY THE MAYOR**

1. LOCAL WATER UTILITIES ENQUIRY 7799, 2101/2

The Mayor referred to the Local Water Utilities Enquiry which was held in Sydney last Tuesday and which he, the General Manager, Director Technical Services, Sewerage Projects Co-ordinator and Water & Sewer Manager had attended. He advised that there were 107 water utilities throughout NSW and by the time the panel submits their findings to the Government, councils will probably not be notified until September or October. However, the Mayor stated it was a very fair hearing and he thanked the Council officers involved for all their hard work in preparing the documentation for the enquiry.

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2. HIGHLANDS MARKET PLACE IRON WORKS PRESERVATION 5650

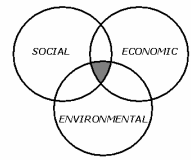
The Mayor referred to the National Awards held in Melbourne last Friday night in which the Highlands Market place Ironworks Preservation had been short listed from over 100 down to the last 11 in the *Heritage and Adaptive Reuse Category*. The Henry Jones Art Hotel (old IXL factory) in Hobart won the award but it was exciting to see Wingecarribee Shire's name appear on a big screen in front of 600 people. He congratulated the Heritage Consultant, Yvonne Kaiser-Glass and local historians Leah Day and Tim McCartney as it was a great achievement to be recognised in this way.

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3. THE SALVATION ARMY RED SHIELD APPEAL 1850/1

The Mayor referred to a press release regarding the local Red Shield Appeal of which Mr Terry Oakes-Ash is the Chair. Nationally the appeal was a great success which an increase in donations of approximately 12%. However in the Southern Highlands the appeal saw an increase of 30% over last year which was a tremendous effort by the people concerned he thanked Mr Terry Oakes-Ash as the Chair of the appeal.

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**OPEN COUNCIL**

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**MN 197/08**

107/10

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

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

**PASSED**

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**VISITOR ITEMS**

**ENVIRONMENT & PLANNING DIVISION**

**v-EP1 Sutton Forest Hotel**

REF: DCM

LUA07/1118

Reporting on proposed alterations and additions to existing Sutton Forest Inn, and 90 room motel, conference facility, recreation facilities and 176 space carpark.

Ms Monica Hocroft addressed Council on behalf of the objectors and Mr Richard Field addressed Council as the applicant in this matter.

Clr S Murray joined the meeting at 4.30pm.

**OC 86/08**

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

1. **THAT Council approves the amended plans as submitted for nine (9) accommodation buildings at the Sutton Forest Hotel and Restaurant with the usual conditions of consent plus special conditions dealing with maximum occupancy and length of stay.**
2. **THAT those people who made a submission be advised of Council's decision.**

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

1. THAT the applicant be invited to submit amended plans as described in the report.
2. THAT the amended plans be brought back to Council for confirmation of conditions of consent.

**LOST**

**MOTION PASSED**

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## TECHNICAL SERVICES DIVISION

v-TS1	Leisure Centre – Draft Business Plan Review
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REF: DPM	7181/8
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The purpose of this report is to present the Draft Business Plan Review to Council for adoption.

### **OC 87/08**

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

**THAT Council adopts the Business Plan review for the Leisure Centre AND THAT the information be placed on Council's Website.**

**PASSED**

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**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 2/5/08 and 19/5/08.

**OC 88/08**

The Committee on a MOTION moved Clr T D Gair and seconded Clr P B Tuddenham  
**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 2/5/08 and 19/5/08, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

**Interest:** Clr P George declared a non-pecuniary interest in Item 7 – Best & Less Mini Discount Department Store, Clarence House, Clarence Street, Moss Vale as the owner of the building was a former employer and she had received wages from him in this financial year. She left the chamber, took no part in the debate and refrained from voting thereon.

**OC 89/08**

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

**THAT the information regarding the List of Land Use Applications Nos 1-17 received by Council be received and noted with the exception of Item 7 (LUA08/0434: Bundanoon Club sign, Bundanoon Oval, Erith Street, Bundanoon) and Item 9 (LUA08/0493 Landscape Supply Yard and Plant & Equipment Hire Yard, Hume Highway, Braemar).**

**PASSED**

.....Cont'd

Cont'd.....

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

1. "BUNDANOON CLUB' SIGN, BUNDANOON OVAL, ERITH STREET,  
BUNDANOON LUA08/0434

Clr N N Campbell-Jones referred to Item 8 and asked that this matter be dealt with by full Council and not by delegation.

**OC 90/08**

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

**THAT the "Bundanoon Club" sign on Bundanoon Oval, Erith Street, Bundanoon be referred for consideration to a future Ordinary Meeting of Council.**

**PASSED**

2. LANDSCAPE SUPPLY YARD & PLANT & EQUIPMENT  
HIRE YARD, HUME HIGHWAY, BRAEMAR LUA08/0493

Clr P B Tuddenham referred to Item 9 and asked if this matter could come to full Council.

Clr L A C Whipper asked for further information on this development.

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

**OC 91/08**

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

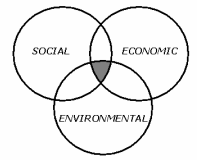
**THAT the Landscape Supply Yard and Plant & Equipment Hire Yard in Hume Highway, Braemar be referred for consideration to a future Ordinary Meeting of Council**

**PASSED**

3. HOARDING, PORT O' CALL, BONG BONG STREET, BOWRAL LUA08/0473

Clr J Clark referred to Item 4 and requested more information on this development.

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



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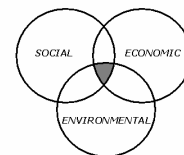
4. ALTERATIONS TO EXISTING BUILDING, RSL CLUB,  
(SMOKING ROOM) HUME HIGHWAY, MITTAGONG

LUA08/0458

Clr J Clark referred to Item 14 and requested more information on this development.

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

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<b>o-EP3</b>	<b>Funding Agreement from Department of Community Services</b>
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REF: SPM
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1800/1
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Reporting on receipt of the funding agreement received from the Department of Community Services for funding towards the Community Worker Salary which forms part of the Community and Cultural Development Officer Position and seek Council's resolution to have the Council Seal affixed to the agreement.

**OC 92/08**

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

**THAT the funding agreement from the NSW Department of Community Services for a Worker Salary Subsidy (Community & Cultural Development Officer) be executed under the Common Seal of Council.**

**PASSED**

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**CHAIRPERSON**

At 5.30pm, being the conclusion of Open Council, the Mayor, Clr G Lewis, resumed the chair to conduct the remainder of Council business.

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**QUESTIONS FROM THE PUBLIC**

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**QUESTIONS FROM THE PUBLIC**

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1. NUMBER OF SEPP 5 DEVELOPMENTS IN THE SHIRE 5320/5

Mrs Pam Cooper asked if Council was aware how many SEPP 5 developments there were in the Shire.

The Mayor stated this question would be taken on notice and a response provided to Mrs Cooper.

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2. REGIONAL PARTNERSHIP SCHEME 7181/3

Mrs Pam Cooper referred to an article which appeared in the Sydney Morning Herald yesterday regarding the Regional Partnership Scheme and the funds available for, amongst other things, community centres, recreational venues and transport. She asked if this avenue had been explored for funds towards the Leisure Centre.

The Director Technical Services responded that the Regional Partnership Scheme had been explored over twelve (12) months ago and Council had not been successful. He thanked Mrs Cooper for a copy of the article and advised that Council would investigate further submissions.

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3. ITEM o-CS7 – COUNCIL POLL RE ELECTION TO BE HELD ON 13 SEPTEMBER 2008 105, 105/1

Mrs Jan Hainke asked if this project was still to be called a “Leisure Centre” and should it not be made quite clear that the current plan is for a major swimming centre – i.e. Stage I with the Leisure/Cultural Centre being Stage II. Stage II is not yet planned or costed and no date has been set. Will “Leisure Centre” be defined?

The Mayor responded that this question would be taken on notice and a response provided to Mrs Hainke.

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4. PUBLIC MEETING RE PROPOSED HILL TOP SHOOTING COMPLEX LUA07/1364

Mr Ian Woolfe referred to the public meeting regarding the proposed shooting complex to be held on Friday and asked how Council stood regarding this matter. He asked if Council was not in support of this complex whether it would be speaking at the meeting and if it was not speaking, why not?

Clr M Murray responded that Council was aware of the public meeting and had already given submissions to the panel some two weeks ago (with the Director Environment & Planning). The panel has decided they will also go out to the public so the public can make their own submissions.

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**QUESTIONS FROM THE PUBLIC**

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5. DECLARATIONS OF INTEREST

101/3

Mr Peter Smythe referred to the declarations of interest in relation to Item o-CS3 Outstanding Debt where Councillors had declared a non-pecuniary interest but remained in the chamber to vote. He asked what the difference was between a pecuniary and non-pecuniary interest and why do those making the declarations sometimes stay to vote and sometimes leave the chamber. What is the mitigating difference between voting and abstinence?

The Director Corporate Services responded that if a *pecuniary* interest is declared, a Councillor must leave the chamber. If a *non-pecuniary* interest is declared there is a range of options and he would be happy to provide further details to Mr Smythe.

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<b>o-EP4</b>	<b>Proposed Policy for the Consideration of Development Applications involving 'Severed Lots'.</b>
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REF:	DCM
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5302; LUA06/0603; 07/0755; 07/1403
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Council has received a number of development applications for:

- the erection of a dwelling-house on the residue of a lot which has been affected by a road realignment or widening; or
- subdivision approval to ratify the division of land by a road realignment or widening.

**Interest:** Clr M Murray declared a pecuniary interest in this matter as one of the properties that is dealt with is owned by his children's grandparents. He left the chamber, took no part in the debate and refrained from voting thereon.

**Interest:** Clr T D Gair declared a pecuniary interest in this matter as a casual employee of his has a pecuniary interest and therefore a financial benefit. He left the chamber, took no part in the debate and refrained from voting thereon.

**MN 198/08**

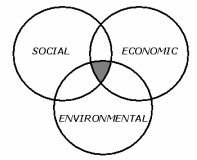
**MOTION** moved by Clr L A C Whipper and seconded by Clr M King:

**THAT** in relation to the proposed policy for the consideration of development Applications involving "Severed Lots" Council:

- adopts the guidelines as described in the report to indicate the circumstances in which Council would consider that a departure to a development standard is likely to have merit;***
- adopts a minimum area of two (2) hectares for the purpose of the guidelines; and delegates authority to the DEP to determine any development application involving a "severed lot" where the proposal fully complies with the guidelines.***
- includes the guidelines in the future draft of the relevant DCP.***

**PASSED**

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**o-EP5 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. The applicant and objectors have been invited to address Council.

It was noted that this item should read o-EP5 and not o-EP1 as detailed in the business paper.

**MN 199/08**

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

**THAT** Council delegates authority to the Director, Environment & Planning to determine the application to modify condition 4 of the development consent no. DA407/86 in respect of the number of shooters using the Rifle Range at Wattle Ridge Road, Hilltop; **AND THAT** any approval include conditions such as:

1. **The licensee of the property must implement a Facility Management strategy which includes the centralised booking of the use of the facility and, for each day that the Range is used, the recording of:**
  - a) **The number of shooters using the facility;**
  - b) **The start and finish times;**
  - c) **The number of vehicles on the property; and**
  - d) **The number of visitors on the property.**
2. **The strategy must also provide for:**
  - a) **The security of the facility so that only authorised usage occurs;**
  - b) **Enforcing the approved limits on the number of shooters; and**
  - c) **Complying with the approved hours of operation, namely 10:00am to 5:00pm.**
3. **The strategy must be made available to Council upon request.**
4. **The licensee must, within a period of 3 months from the date of this approval, provide Council with an Operational Environmental Management Plan (OEMP) to address any existing and potential impacts upon water quality arising from the use of the facility.**
5. **The OEMP should be modelled on the OEMP suggested by the SCA for the regional complex and must be implemented immediately upon approval by Council.**
6. **The number of shooters on the property must not exceed the following on any occasion:**

.....Cont'd

Cont'd.....

<i>DAY</i>		<i>Max No of Shooters</i>	<i>DAY</i>		<i>Max No of shooters</i>
<i>1<sup>st</sup> Saturdays</i>	=	<i>12</i>	<i>1<sup>st</sup> Sundays</i>	=	<i>10</i>
<i>2<sup>nd</sup> Saturdays</i>	=	<i>12</i>	<i>2<sup>nd</sup> Sundays</i>	=	<i>10</i>
<i>3<sup>rd</sup> Saturdays</i>	=	<i>12</i>	<i>3<sup>rd</sup> Sundays</i>	=	<i>8</i>
<i>4<sup>th</sup> Saturdays</i>	=	<i>12</i>	<i>4<sup>th</sup> Sundays</i>	=	<i>10</i>
<i>5<sup>th</sup> Saturdays</i>	=	<i>NIL</i>	<i>5<sup>th</sup> Sundays</i>	=	<i>10</i>
<i>ANNUAL 2008 COMPETITIONS x 4</i>	=	<i>20</i>			

\*\*\* ANNUAL COMPETITIONS MUST BE HELD ON A WEEKEND \*\*\*

7. *The licensee is to provide a report on each anniversary of this approval providing such information as required by Council to substantiate compliance with Council's conditions of consent.*
8. *Council is to request the army to use the facility in such a manner as not to interfere with the amenity of the residents.*

**PASSED**

**o-EP6 Proposed 4 Cluster Houses, Lytton Road, Moss Vale**

REF: DEP

LUA06/0547

Reporting on proposed cluster houses at Lot 21 DP 258713, Lytton Road, Moss Vale.

**MN 200/08**

**MOTION** moved by Cllr M Murray and seconded by Cllr L A C Whipper:

1. **THAT** this application be refused on the grounds of the following identified non-compliance issues:
  - (a) ***The proposed development does not comply with the development controls and design guidelines of Sections 4.02, 4.06 and 4.07 of Wingecarribee Development Control Plan – Residential Development (Section 79C(1)(a)(iii) of the Environment Planning & Assessment Act 1979).***
  - (b) ***The proposal is not sympathetic to the existing street scape and neighbourhood character (Section 79C(1)(b) of the Environment Planning & Assessment Act 1979).***
  - (c) ***Building separation does not comply with Wingecarribee DCP Residential Development.***
  - (d) ***Car parking, garaging and driveways does not comply with Wingecarribee DCP Residential Development.***
  - (a) ***Pedestrian access does not comply with Wingecarribee DCP Residential Development.***

**PASSED**

**CORPORATE SERVICES DIVISION**

**o-CS1 GST Compliance Certificate**

REF.	DCS	2140/9
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Submitting a request by the Department of Local Government for Council to provide a GST Compliance Certificate.

***MN 201/08***

***MOTION moved by Clr M Murray and seconded by Clr P George:***

***THAT the Mayor (Clr G Lewis), Deputy Mayor (Clr P B Tuddenham), General Manager (Mr Mike Hyde) and responsible Accounting Officer (Mr Doug Neville) sign the certificate as requested.***

***PASSED***

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**o-CS2 Bank Overdraft**

REF.	FSM	2103/2
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Submitting a request for Council's overdraft facility agreement to be signed under Council's seal.

***MN 202/08***

***MOTION moved by Clr M Murray and seconded by Clr P George:***

***THAT the overdraft facility agreement with the National Australia Bank be executed under the Common Seal of the Council.***

***PASSED***

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**o-CS3 Outstanding Debt**

REF.	FSM	2104
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Reporting on recovery procedures taken in regards to an outstanding debt for Highlands Waste Services.

**Interest:** Clr P Tuddenham declared a pecuniary interest in this matter as he has a business relationship with the Director of Highland Waste Services. He left the chamber, took no part in the debate and refrained from voting thereon.

**MN 203/08**

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

1. **THAT Council defers this matter pending further conclusive evidence that the company known as Highland Waste Services with the ACN of 002 975 742 holds no assets and is proven to be insolvent or otherwise.**
2. **THAT Council writes to Marsdens Solicitors asking if they have had any dealings with Highland Waste Services.**
3. **THAT Councillors be provided with a chronology of events surrounding this matter.**
4. **THAT Councillors also be provided with copies of all relevant minutes, and correspondence relating to this matter including all legal advice.**
5. **THAT the matter be brought back to Council no later than the first full meeting of Council in July for determination.**
6. **THAT Councillors be provided with copies of all legal advices obtained to date.**
7. **THAT the Mayor and General Manager meet with Mr Johns with a view to discussing the settlement of the account.**
8. **THAT Council develops a policy on how Council staff are to recover outstanding debts.**

**PASSED**

<b>o-CS4 Investments as at 30 April 2008</b>
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REF	FSM	2104
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Submitting details of Council's Investments as at 30 April 2008.

Clr S Murray requested figures in relation to the amount of money Council had lost.

The Acting General Manager advised that the report could include an additional column which states the variation between capital and current market values.

***MN 204/08***

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

***THAT the information on Council's Investments as at 30 April 2008 be received and noted.***

***PASSED***

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<b>o-CS5</b>	<b>Licence Agreement for Continued Use of Part Welby Recreation Reserve Trust by Pacsons Quarries Pty Limited</b>
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REF.	PO	PN 892900
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Reporting on the licence agreement for continued use of part Welby Recreation Reserve Trust by Pacsons Quarries Pty Ltd.

***MN 205/08***

***MOTION*** moved by *Clr T D Gair* and seconded by *Clr P B Tuddenham*:

1. ***THAT*** Council enters into a further Licence Agreement with Pacsons Quarries Pty Limited for part Crown Reserve 223 for uses ancillary to a quarrying operation.
2. ***THAT*** the term of the Licence be for a period of five (5) years from 1 January 2008 to 31 December 2012.
3. ***THAT*** rental be \$2,552.56 in the first year to increase by 5% per annum and is exclusive of GST.
4. ***THAT*** the Licence Agreement be executed under the Common Seal of the Council.

***PASSED***

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**o-CS6 Lease of Hill Top War Memorial Hall, Lots 16 & 16, Section 3, Deposited Plan 6221, At Hill Top**

REF. PO 7211/3; 6500/23; PN 1628900

Considering financial terms of the proposed lease to Friends of Hill Top War Memorials.

**MN 206/08**

**MOTION** moved by Clr M King and seconded by Clr P George:

1. **THAT Council confirms its previous position to initially lease the Hill Top War Memorial Hall to the Friends of the Hill Top War Memorial with a view to selling the facility to the Friends of the Hill Top War Memorial or like community group for \$1.00 once the land has been reclassified as operational AND THAT the lease term be for five (5) years.**
2. **THAT Council meets the cost of the general rates and water access charge during the lease.**

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

1. **THAT** this matter be deferred to the Ordinary Meeting of Council to be held on Wednesday, 11 June 2008 pending a full investigation of the situation with other community halls in the shire subject to the gazettal of the LEP that the Hill Top War Memorial be sold for the amount of \$1.00.
2. **THAT** the lease be amended to the effect that the term of the lease is five (5) years AND THAT Clause 21 be deleted.

**LOST**

**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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**o-CS7 Council Poll re Election to be held on 13 September 2008**

REF. MAS, MM 105, 105/1

Reporting on the proposed question for the Council Poll to be held on Saturday, 13 September 2008.

**MN 207/08**

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

1. **THAT** the following questions be submitted to the NSW Electoral Commission as poll questions at the 13 September 2008 Election:-

- (a) Do you approve of Council building the Leisure Centre?
- (b) Do you approve of the construction of the Leisure Centre being funded by the sale of the identified properties.

2. **THAT** a community information program be undertaken commencing six (6) weeks prior to the Council Election which is being held on Saturday 13 September 2008 **AND THAT** the program communicate which properties are earmarked for sale.

**AMENDMENT** moved Clr L A C Whipper and seconded Clr J Clark:

1. **THAT** the following questions be submitted to the NSW Electoral Commission as poll questions at the 13 September 2008 Election:-

- (a) Do you approve of Council building the Leisure Centre?
- (b) Do you approve of the construction of the Leisure Centre being funded by the sale of the identified properties to be listed on the referendum question sheet.

2. **THAT** a community information program be undertaken commencing six (6) weeks prior to the Council Election which is being held on Saturday 13 September 2008 **AND THAT** the program communicate which properties are earmarked for sale.

3. **THAT** the poll question wording include "Would the community support the covering of Bowral Pool as an indoor swimming facility rather than building a new Leisure Centre".

4. **THAT** the poll question wording include "Would you accept the closure of any existing pool (other than Bowral) should the proposed Leisure Centre proceed"?

**LOST**

**MOTION PASSED**

**Dissenting votes:** Clr L A C Whipper requested that his dissenting vote be recorded in respect of this motion

**MATTER OF URGENCY**

File: 5465 2210/9.2

The Director Corporate Services advised that there was a supplementary report Item o-CS11 Proposed Special Rate Variations which had been circulated to Councillors and needed to be dealt with as a matter of urgency as the outcome of the Council decision will have an impact on Council's 2008/09 budget.

The Mayor ruled that this be considered as a Matter of Urgency.

***MN 208/08***

***MOTION moved by Clr T D Gair seconded Clr L A C Whipper:***

***THAT Item o-CS11 Proposed Special Rate Variations be treated as a matter of urgency.***

***PASSED***

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## SUPPLEMENTARY REPORT

### CORPORATE SERVICES DIVISION

#### **o-CS11 Proposed Special Rate Variations**

REF: DCS

5465 2210/9.2

Submitting a further report on Council's proposed WOFE special rate variation application to the Minister for Local Government.

The Director Corporate Services advised that this report had come forward as a result of some discussions with the Department of Local Government last Friday when the General Manager, Chairman of the Environment Committee and a number of other Council officers met with senior officers of the Department of Local Government regarding Council's application for *Wingecarribee Our Future Environment* program.

Clr M King retired from the chamber at 8.15pm.

**MN 209/08**

**MOTION** moved by Clr M Murray seconded Clr L A C Whipper:

- 1 **THAT Council withdraws its application under 508(2) of the Local Government Act seeking a special rate variation for a (5) year period to fund Wingecarribee Our Future Environment program.**
- 2 **THAT Council amends its existing application under Section 508 (A) of the Local Government Act AND requests approval for a 13.24% variation in 2008/09, and 9.5% special variation for 2009/10, 2010/11 and 2011/12 noting that a reduction of 3.74% variation for the WOFE Program will occur as at 30 June 2013.**
- 3 **THAT subject to the Minister approving Council's amended application, an ongoing program of expenditure on environmental works be included in Council's budget, with \$739,703 committed in 2008/09.**
- 4 **THAT Council amends its draft 2008 – 2010 Management Plan and draft program of works to reflect this change in proposed income and expenditure for the WOFE program.**
- 5 **THAT Council's community consultation program on the proposed special variation clearly articulates the complete amended application.**
6. **THAT Council makes representations to the Minister for Local Government, The Hon. Paul Lynch, seeking a deputation to discuss the Proposed Special Rate Variation AND THAT the deputation consist of the Mayor, Deputy Mayor, Clr M Murray and Clr L A C Whipper.**

**PASSED**

**GENERAL BUSINESS**

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**GENERAL BUSINESS**

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1. BIG W ENTRANCE

LUA04/1134

Clr P George asked if Council could discuss with Big W Market Place management the possibility of reconfiguring the entrance and exit to the Mittagong Market Place. Over the Christmas period they pushed *Entry Only* to the second entrance off Roscoe Street and *Exit Only* from the first entrance which she believed was not only safer but ensured a smoother flow of traffic.

The Director Environment & Planning will investigate this matter.

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**DEFERRAL OF THE REMAINDER OF THE BUSINESS PAPER**

The Mayor requested that the remaining items on the business paper be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 11 June 2008.

***MN 210/08***

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

**THAT** *the remainder of the business paper be deferred for consideration at the Ordinary meeting of Council to be held on Wednesday, 11 June 2008.*

**PASSED**

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**CORPORATE SERVICES DIVISION**

**o-CS8 Committee Appointments & Resignations**

REF: MAS

107/1 7226/4

Reporting on Management Committee Appointments and Resignations.

***MN 211/08***

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

**THAT** *this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 11 June 2008.*

**PASSED**

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**o-CS9 Alexandra Square**

REF: DCS

6545/1

Reporting on proposed action for the future of Alexandra Square.

***MN 212/08***

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

***THAT*** this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 11 June 2008.

***PASSED***

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**o-CS10 Proposed Lease of Former Bundanoon Works Depot, Burgess Street, Bundanoon**

REF. PO

7106; PN 279500

Reporting on the proposed lease of the former Bundanoon Works Depot on Council owned land at 7-11 Burgess Street, Bundanoon.

***MN 213/08***

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

***THAT*** this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 11 June 2008.

***PASSED***

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## SUPPLEMENTARY REPORT

<b>o-CS11 Proposed Special Rate Variations</b>
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REF: DCS
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5465 2210/9.2
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Submitting a further report on Council's proposed WOFE special rate variation application to the Minister for Local Government.

This matter was considered earlier in the meeting (refer MN 208/08).

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## TECHNICAL SERVICES DIVISION

<b>o-TS1</b>	<b>Exeter Park Public Amenities Upgrade</b>
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REF: PPM	6536/1
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The purpose of this report is for Council to consider options and a way forward for the upgrading of the public amenities block at Exeter Park.

***MN 214/08***

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

***THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 11 June 2008.***

***PASSED***

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**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.

***MN 215/08***

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

***THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 11 June 2008.***

***PASSED***

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**c-GM2 Position Paper on WSC Engagement with China**

REF.	EDO	600/26, 107/24.3
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Reporting on the economic and business outcomes of Council's development of 'Friendship' and cultural relations with Kaifeng City in the Province of Henan, and engagement with China generally.

***MN 216/08***

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

***THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 11 June 2008.***

***PASSED***

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**OTHER MATTERS**

<b>c-NM1</b>	<b>20/2008 – Notice of Motion – Campaign Expenses for Local Government Election</b>
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REF:	MAS
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100/4 105
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Clr T D Gair has given notice of his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 28 May 2008.

***“THAT** candidates in the forthcoming Local Government election give a voluntary undertaking to the community of the Wingecarribee Shire that the total expenditure for campaign expenses will not exceed \$10,000 in total either for a team grouping or an individual”.*

**MN 217/08**

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

**THAT** *this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 11 June 2008.*

**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 minutes of the following five (5) Committee meetings that will be tabled for information.

1. East Bowral Community Centre Management Committee meeting Tuesday 15 April 2008
2. Hill Top Community Centres Management Committee meeting 17 April 2008
3. Robertson Community Centre Management Committee meeting 13 February 2008
4. Welby Hall Management Committee meeting Thursday 13 March 2008
5. Southern Councils Group Meeting Friday, 2 May 2008

**MN 218/08**

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

**THAT** this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 11 June 2008.

**PASSED**

## COMMITTEE REPORTS ATTACHED

<b>c-CR2</b>	<b>Traffic Committee</b>
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REF	TE	107/6
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Submitting minutes of the Traffic Committee meeting held on Monday 12 May, 2008.

**MN 219/08**

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

**THAT** this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 11 June 2008.

**PASSED**

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<b>c-CR3</b>	<b>Wingecarribee Youth Council Advisory Committee</b>
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REF	SPM	107/12
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Submitting minutes of the Wingecarribee Youth Council Advisory Committee Annual General Meeting held on Tuesday, 20 May, 2008.

***MN 220/08***

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

***THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 11 June 2008.***

***PASSED***

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<b>c-CR4</b>	<b>Legal Committee</b>
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REF	DEP	107/22
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Submitting minutes of the Legal Committee meeting held on Wednesday, 14 May, 2008.

***MN 221/08***

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

***THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 11 June 2008.***

***PASSED***

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## CORPORATE SERVICES DIVISION

c-CS1	Closed Council
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To consider moving into Closed Council to discuss the following matter:

c-CS1      BRIEFING ON CURRENT STATUS OF LEGAL MATTER WSC V LEHMAN  
BROTHERS AUSTRALIA      107/9, 2104

***MN 222/08***

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

***THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 11 June 2008.***

***PASSED***

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**CLOSED COUNCIL**

<b>c-CS1</b>	<b>Briefing on Current Status of Legal Matter WSC v Lehman Brothers Australia</b>
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REF.	DCS	107/9, 2104
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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

*Considering an update on the current status of legal matters. 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 this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 11 June 2008.**

**PASSED**

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OPEN COUNCIL

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**MN 223/08**

107/10

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

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

**PASSED**

No members of the public were present in the Chamber.

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ADOPTION OF CLOSED COUNCIL

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**MN 224/08**

107/9

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

**THAT** the recommendations of the Closed Council held on Wednesday, 28 May 2008  
Item o-CS1 be adopted.

**PASSED**

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ADOPTION OF OPEN COUNCIL

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**MN 225/08**

107/10

**MOTION** moved by seconded by :

**THAT** the recommendations of the Open Council held on Wednesday, 28 May 2008  
being OC 86/08 to OC 92/08, be adopted.

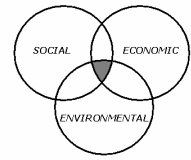
**PASSED**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 28 May 2008



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THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.35PM.

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 28 May 2008 numbered MN 195/08 to MN 225/08, were signed by me hereunder at the Council Meeting held on Wednesday, 11 June 2008.

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CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 11 JUNE 2008

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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, 28 May 2008

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