

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/07



held on Wednesday, 25 June 2008

The meeting commenced at 3.37pm.

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

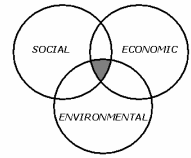
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 25 June 2008

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 25 June 2008



COMMENCING AT: 3.37PM

PRESENT: Councillor Gordon Lewis (Mayor) in the Chair, Clr J R Clark,
Clr T D Gair, Clr M L King (3.40pm), Clr J E Mauger,
Clr M J Murray, 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 Donna Jensen of Southlands Christian Church.

PRESENTATION BY CANCER COUNCIL

File 1850/5

Ms Caroline Dews of the Cancer Council presented a certificate to the Mayor to acknowledge Council as an official Cancer Council Community Partner. There are 100 partner councils across New South Wales and the aim of the program is to work together at a local level to try to reduce the incidence of cancer and educate the community about how they can take steps towards a healthier lifestyle.

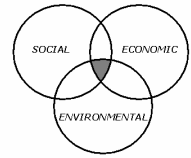
A new initiative in the Southern Highlands is the Southern Highlands transport bus which takes patients from this area up to the Macarthur Cancer Therapy Centre for treatment on a daily basis. There are also a number of support groups who provide support to those people at a local level.

The Mayor thanked Ms Dews and accepted the certificate on behalf of Council.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 25 June 2008



APOLOGY

MN 238/08

PERS

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

THAT the apologies of *Clrs P Tuddenham, P George, S Murray and N N Campbell-Jones* be accepted and leave of absence granted.

PASSED

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 11
JUNE 2008

100/1

MN 239/08

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 11 June 2008 MN 226/08 to MN 237/08 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

Clr M King joined the meeting at 3.40pm.

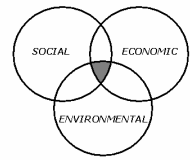
BUSINESS ARISING

1. LIGHTS AT BUNNINGS, BRAEMAR

LUA06/0843

Clr L A C Whipper referred to the question he had asked in General Business on page 38 of the minutes regarding the bright lighting at Bunnings in Braemar. He asked why this light had not been dimmed as he had first raised the matter at the Ordinary Meeting of Council held on Wednesday, 14 May 2008.

The General Manager responded that he had contacted the Manager of Bunnings the day after the Council meeting and was assured the offending light would be turned down. He stated that he would raise the issue again.



DECLARATIONS OF INTEREST

101/3

Clr M Murray declared a non pecuniary interest in Items o-CS3 and c-CS1 both of which related to an Outstanding Debt to Council. These matters concern a company in which the Manager of his team's election campaign at the last local government election had been a Director. He stated that he would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.

Clr M King declared a non pecuniary interest in Items o-CS3 and c-CS1 both of which related to an Outstanding Debt to Council. These matters concern a company in which the Manager of her team's election campaign at the last local government election had been a Director. She stated that she would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.

Mr Barry Paull (Director Corporate Services) advised that he had tabled written advice to the General Manager on 25 May 2008 that he has a pecuniary interest in Item c-TS1 Electrical & Telemetry Maintenance Contract 2008-2010 to be heard in Closed Council tonight as his wife is employed by one of the companies who has tendered for the works. He stated that he would leave the chamber when this matter was discussed and take no part in the debate.

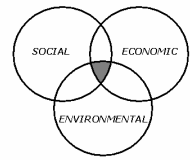
COMMENTS FROM THE MAYOR – LEHMAN BROTHERS AUSTRALIA

File Nos. 107/9, 2104

The Mayor addressed all members of the media and asked that they take note of his words regarding the Lehman Brothers financial matters. He believed that out in the community there is a lot of misinformation and the character of all Councillors is being tarnished by the comments made by some members of the media. He strongly emphasised that both this Council and the Councillors have absolutely nothing to hide.

He added that as the Mayor, the question is asked why he does not make more statements on this matter and advised that he had made one statement for the benefit of the community and had no intention of becoming involved in a verbal battle with every comment made in the media. The courts will decide who is right or wrong and he asked everyone to be careful in what they say as he did not wish in any way to make statements that could be harmful to Council's case.

The General Manager added that the legal advice Council has received has been strong and unequivocal that it must not make any comment on items appearing in the local press in relation to Council's case.



OPEN COUNCIL

MN 240/08

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 L A C Whipper in the Chair.

PASSED

Clr L A C Whipper acknowledged the Gundungurra people as the traditional owners of the land on which Council is meeting and paid his respects to elders past and present of the Gundungurra and Tharawol nations.

VISITOR ITEM

CORPORATE SERVICES DIVISION

v-CS1 Draft Management Plan, Budget and Revenue Policy

REF: FSM

501/2008, 2120/2008

Submitting a report on Council's Draft Budget/Management Plan and Revenue Policy for 2008/11.

It was noted that the report was incorrectly dated 25 June 2007 and should read 25 June 2008.

OC 128/08

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

1. **THAT the submissions on the draft Management Plan, Budget and Revenue Policy be noted.**
2. **THAT the draft 2008/2011 Budget/Management Plan and Revenue Policy (including amendments as recommended in this report be adopted, noting that advice is still pending from the Minister for Local Government regarding Council's Special rate Application.**
3. **THAT the minor amendments to the draft Fees and Charges (detailed in Attachment 1 of the report) be included in the 2008/09 Revenue Policy.**
4. **THAT the inclusion of the Wingecarribee Our Future Environment Program and the extension of the Infrastructure Recovery Strategy Works in the 2008/09 Management Plan / Budget be deferred pending advice from the Minister for Local Government.**
5. **THAT the matters detailed in recommendation (4) be referred to a meeting of council on the first available date after formal advice is received from the Minister.**
6. **THAT the additional \$30,000 budget request for Council's sister city relationship with Kaifeng City in China be funded from Council's 2007/08 and 2008/09 contingency vote (i.e. \$29,000 from 2007/2008 Budget and \$1,000 from 2008/2009 Budget).**

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 2/6/2008 and 17/6/2008.

OC 129/08

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

RECOMMENDED:

THAT the information relating to Development Consent Nos 1 -15 under Delegated Authority be received and noted.

PASSED

Matters Arising from Development Consents under Delegated Authority

1. POPE RENEWAL – ROYAL HOTEL, BONG BONG STREET, BOWRAL LUA08/0089

Interest: Clr M Murray stated that this particular property is owned by his children's grandparents and if there was going to be some debate on this matter he would declare a pecuniary interest in the matter. He left the chamber, took no part in the debate and refrained from voting thereon.

Clr L A C Whipper referred to item 1 and stated that there had been some suggestion about the beer garden taking up some of the parking and asked for more details in the Weekly Circular regarding this matter.

Clr G Lewis asked that information on the POPE and the hours of operation also be included in the Weekly Circular.

The Director Environment & Planning advised that he would ensure the information is submitted for Councillors in a future Weekly Circular.

o-EP2 List of Development Applications Received by Council

REF: DCM

5302

Submitting a list of development applications which have been received between 30/5/2008 to 17/6/2008, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

OC 130/08

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

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

PASSED

Matters Arising from Development Applications received by Council

1. RECREATIONAL USE OF MTO3 GYROPLANE TO BE HOUSED AT TUMULLA, GOLDEN VALE RD, SUTTON FOREST FOR SECURITY LUA08/0604

Cllr T D Gair referred to Item 4 and asked for more details on this development.

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

o-EP3 2008/9 Wingecarribee Community Assistance Scheme

REF: SPM

1870/2008

Submitting for Council's consideration the final recommendations for financial assistance by the Community Assistance Working Group under the 2008/2009 Community Assistance Scheme.

Clr T D Gair expressed his thanks to Councillors G Lewis, P Yeo, M King and N N Campbell-Jones who had given their time as members of the Community Assistance Working Group and asked that his thanks also be passed on to Ms Jenny Kena for the wonderful job she had done in co-ordinating the allocation of Council grants and donations. He also paid special tribute to Clr P Yeo as it had been his idea some 14 years ago to introduce the community grants scheme which had been a wonderful way for Council to repay the community for its involvement in community activities.

Clr P Yeo responded by thanking Jenny Kena and other Council officers who had been involved in the Community Grants Program as well as Clr Gair for his chairmanship of the committee in recent years.

OC 131/08

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

- THAT Council adopts the recommendations of the 2008 Community Assistance Scheme Working Group as detailed below:**

ARTS & CULTURE

<i>Berrima District Historical Society</i>	\$6,000
<i>Bowral & District Art Society</i>	\$1,161
<i>Bundanoon History Group</i>	\$500
<i>Highland Media Cooperative</i>	\$1,810
<i>Highlandaires</i>	\$500.00
<i>St Judes Music Association</i>	\$500.00
<i>Highland Singers</i>	\$1,005
<i>Southern Highlands Concert Band</i>	\$1,562
<i>Southern Highlands International Piano Competition</i>	\$3,550
<i>Robertson Heritage Railway Station Inc</i>	\$3,000
<i>Mirri Mirri Bunderra Aboriginal Corporation</i>	\$1,570
<i>Robertson Village Music Society</i>	\$500.00
<i>Robertson Ratepayers Association Inc</i>	<u>\$500.00</u>
	\$15,843

Cont'd.....

Cont'd.....

COMMUNITY SERVICES

<i>Argyle Community Housing</i>	\$2,000
<i>Balmoral Village Playgroup</i>	\$500
<i>Can Assist</i>	\$4,500
<i>Canyonleigh Community Association</i>	\$3,600
<i>Disability Services Australia</i>	\$1,500
<i>Donkin Memorial Preschool</i>	\$1,500
<i>Hill Top Community Centre</i>	\$1,219
<i>Interchange Wingecarribee Inc</i>	\$2,673
<i>Mittagong Pre School Kindergarten Inc</i>	\$1,000
<i>Southern Highlands Bereavement Care Service</i>	\$1,650
<i>Southern Highlands Community Transport</i>	\$1,500
<i>Compeer Macarthur-Wingecarribee</i>	\$500.00
<i>Southern Highlands Veterans Volunteer Lawn Mntnce Service</i>	\$1,273
<i>Volunteering Wingecarribee Inc</i>	\$2,500
<i>Wingecarribee Adult Day Care Centre</i>	\$3,004
<i>Wingecarribee Community Foundation</i>	\$828
<i>Wingecarribee Food Services</i>	\$500
<i>YWCA</i>	\$450
<i>Wingecarribee Child and Family Interagency</i>	\$2,864
<i>Toybox</i>	\$500
<i>Wingecarribee Adolescent Survival Program</i>	\$3,200
<i>CTC Robertson</i>	<u>\$2,892</u>
	\$34,196

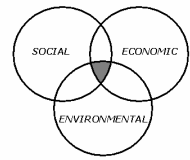
SPORT & RECREATION

<i>Southern Highlands Carriage Club</i>	\$500
<i>Bowral Water Polo Club Inc</i>	\$3,028
<i>Bundanoon Croquet Club</i>	\$875
<i>Burradoo Polocrosse Club Inc</i>	\$3,459
<i>Moss Vale Amateur Swimming Club</i>	\$500
<i>Moss Vale Pony Club</i>	\$5,000
<i>Southern Highlands Croquet Club</i>	<u>\$500</u>
	\$13,862

MISCELLANEOUS

<i>Avoca Community Advancement Cooperative Society Ltd</i>	\$2,520
<i>Bundanoon Community Association</i>	\$2,500
<i>Bundanoon RSL Sub Branch</i>	\$800
<i>Colo Vale Community Association</i>	\$3,000
<i>Exeter Park Management</i>	\$910
<i>Moss Vale Community Centre & Senior Citizens Centre</i>	\$2,250
<i>Mt Gibraltar Landcare and Bushcare</i>	\$2,157
<i>Robertson Showground Trust</i>	\$4,500
<i>1st Mittagong Scout Group</i>	\$1,600
<i>Bong Bong Common Management Committee</i>	\$500
<i>Wingello Mechanics Institute Hall Association Ltd</i>	\$2,000
<i>Climate Action Now Wingecarribee</i>	\$500
<i>KU Moss Vale Children's Centre</i>	<u>\$500</u>
	\$23,737

.....Cont'd



Cont'd.....

2. **THAT successful applicants be invited to attend a formal presentation to receive Certificates of Entitlement AND THAT this presentation ceremony be conducted during Local Government Week proposed for Wednesday, 30 July 2008 commencing at 5.30pm in the Civic Centre Theatre.**
3. **THAT correspondence be forwarded to the unsuccessful applicants regrettably advising them of the outcome.**

PASSED

o-EP4 Effluent Management in Robertson

REF: EHM

7650

This report in part relates to the ongoing concern of effluent management in Robertson and to alert Council to properties that are presently receiving an effluent pump out service free of charge.

OC 132/08

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

RECOMMENDED:

1. **THAT Council notifies affected land owners within the Dyer subdivision of the decision to apply a charge equivalent to the current sewer access charge.**
2. **THAT Council applies an amount equivalent to the sewer access charge to these residents from 1 July 2008.**

PASSED

o-EP5 Landscape and Privacy Hedge Screens

REF: SPM, TM

107/18

The purpose of this report is to inform Council on the legal advice received regarding options available for controlling the proliferation of privacy hedge screens throughout the Shire.

Clr L A C Whipper extended his congratulations to Clrs N N Campbell-Jones, J Clark and P Yeo for their hard work on this project and thanked the members of the Hedgewise Committee for their support.

OC 133/08

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

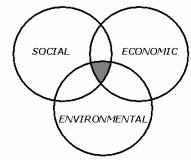
RECOMMENDED:

1. **THAT Council resolves to engage a qualified Cultural Landscape Architect to review the survey mapping already undertaken to justify the identification of areas regarded as being significant rural views and vistas.**
2. **THAT this matter be brought to the attention of the Member for Kiama and Minister for Tourism the Hon. Matt Brown MP to advise him of how Council intends to pursue the matter.**
3. **THAT Council sends a deputation to the Regional Director of the Department of Urban Affairs & Planning seeking endorsement to proceed with a Draft LEP amendment based on the content of the Legal Advice and suggested strategies as detailed in the report.**
4. **THAT an information session to which the Tourism Manager be invited be held prior to the visit to the Regional Director to clarify any issues that Councillors may have in relation to this matter.**
5. **THAT Decision L27 from the Record of Decisions of the Local Government Association of NSW 2006 Annual Conference be included in any negotiations – i.e.:**
 - “1. **THAT** the Associations request the Department of Local Government to recognise that “vegetative screen plantings” can be defined as a type of development to be included in the land use tables of a Local Environmental Plan and that in some circumstances it is appropriate to require the lodgement and assessment of a Development Application.
 2. **THAT** the Associations be requested to work with the NSW Department of Planning to formulate a planning control which allows Councils to control the height of all hedge planting (irrespective of species) in their respective Local Government urban and rural areas”.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 25 June 2008
REPORT OF DIRECTOR ENVIRONMENT & PLANNING



CHAIRPERSON

At 5.10pm, being the conclusion of Open Council, the Mayor, Cllr G Lewis, resumed the chair to conduct the remainder of Council business.

o-EP6 Section 94 Contributions Plan – Roads & Traffic Management

REF: SPM

5701/6

This report provides the results of advertising the Draft Section 94 Contributions Plan – Roads and Traffic Management Facilities and recommends that the Draft Plan be adopted and take effect immediately.

Clr M Murray asked for information on what the key community structures were to be provided in the weekly circular.

MN 241/08

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

1. **THAT** the Draft Roads and Traffic Management Facilities Developer Contributions Plan be adopted by Council to take effect upon the date of Notification given in a public newspaper in accordance with the Environmental Planning and Assessment Regulation 2000.
2. **THAT** notification of the adoption of the plan be advertised in a public newspaper within 28-days of the date of the Council meeting in accordance with the Environmental Planning and Assessment Regulation 2000.
3. **THAT** Council provides a copy of the Contributions Plan to the Director General within 28-days of its adoption in accordance with Section 25AB of the Environmental Planning and Assessment Regulation 2000.

PASSED

o-EP7 Submission on Draft NSW Housing Code / Draft NSW Commercial Building Code

REF: SPM

5606

Seeking Council's endorsement of the submission to the Department of Planning's Discussion Papers on proposed Exempt and Complying Provisions for Residential and Commercial Developments.

MN 242/08

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

1. **THAT Council endorses the NSW Housing Code and NSW Commercial Building Code submission attached to this report and that it be forwarded to the NSW Department of Planning before the closing date of 4 July 2008.**
2. **THAT Council as part of its submission seeks the following local variations to the Draft Codes.**
 - a) ***Minimum setback for a single storey dwelling house and alterations and additions to existing dwellings where there are no adjoining dwellings be 6 metres.***
 - b) ***New single storey dwellings should not be considered as complying development in areas where reticulated water and sewer is not available.***
 - c) ***Demolition of single storey dwellings should not be permitted as complying development***
 - d) ***Swimming pools forward of the building line not be considered as complying development***
 - e) ***Fences forward of the building line up to 1.8 metres not be considered as complying development.***
3. **THAT a copy of Council's submission be sent to the Local Government and Shires Association, Pru Goward, MP Member for Goulburn and Brad Hazzard MP, NSW Shadow Minister for Planning.**

PASSED

o-EP8 Unauthorised Conversion of Barn to Dual Occupancy at Yeola Rd, Robertson

REF: DCM

LUA07/1207

Reporting on attached dual occupancy (continuation of use), carport and covered pergola and walkway at 'Karinya,' Lot 2 DP 547434 Yeola Road, Robertson (see **Attachment 1** – locality plan). Applicant: South West Planning Pty Ltd.

MN 243/08

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

1. **THAT Council approves LUA 07/1207 to allow the continued use of an attached dual occupancy and carport, and a proposed covered pergola and walkway at 'Karinya,' Lot 2 DP 547434 Yeola Road, Robertson**
2. **THAT in addition to the usual conditions of consent the following special conditions be included:**
 - a) **Council is to approve the variation of standard pursuant to SEPP 1**
 - b) **The applicant is to prepare a landscape plan providing for suitable screening of the mismatched roof form**
 - c) **The applicant is to carry out plantings in compliance with the landscape plan.**

PASSED

o-EP9 Additions to Medical Centre Including Car Parking- St Jude Street, Bowral

REF: DCM

LUA07/1306

Reporting on a proposal for building additions including car parking at St Jude Medical Centre, Lot 12 Section C DP 11838, 21 St Jude Street, Bowral.

Council at its meeting of 11 June deferred consideration of this matter pending the receipt of legal advice on the question of permissibility. Such advice has been sought, however, had not been received in time for inclusion into the Council business paper. Once received, the advice will be circulated to all Councillors.

MN 244/08

MOTION moved by Clr M King and seconded by Clr M Murray:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 9 July 2008.

PASSED

QUESTIONS FROM THE PUBLIC

1. LEGAL COMMITTEE MINUTES

107/22

Mr Terry Oakes-Ash referred to the recommendation in response to the question he had asked at the Legal Committee meeting held on Wednesday, 11 June 2008 (i.e. Item 14 on page 82 "*That the information be received and noted*"). Mr Oakes-Ash stated that this was the wrong answer and that the requested itemised costing of the current legal expenses had still not been provided.

Clr M Murray responded that Council needed to request each of its solicitors to provide an up-to-date costing of each of the matters on which they are currently engaged by Council. The solicitors on our panel have also been asked to provide monthly accounts so that Council can keep abreast of legal costs. He was unsure whether a response to Council's letter had been received and assured Mr Oakes-Ash that Council was just as anxious as he was to keep these legal costs under control.

2) KANGALOON AQUIFER

5458/7

Mr Terry Oakes-Ash referred to the conflicting information appearing in the media regarding the aquifer and asked for clarification as to whether the work has been stopped or merely put on hold now that land clearing is still occurring.

The Mayor responded that he believed this matter had been put on the "back burner" but if there was a return to drought conditions it would be looked at again.

Clr L A C Whipper added that he understood with the desalination plant on line unless the dam levels fell below 40% the aquifer would not be accessed.

A member of the media, Ms Melissa Reynolds, reported that she had spoken to the Minister and understood that the matter has only been "shelved".

3. KANGALOON AQUIFER

5458/7

Mrs Pam Cooper referred to the question asked by Mr Terry Oakes-Ash on this subject and stated that in the Southern Highland News today Robyn Murray had written of the Kangaloon farmers receiving contradictory information regarding the aquifer in the borefields. Mr Nathan Rees MP, Minister for Water and Mr Matt Brown MP, Member for Kiama announced the “*shelving*” of the plans for the borefield, yet within days letters were received from the Sydney Catchment Authority stating further plans for the drilling of more borefields.

Mrs Cooper asked if Council had been able to get the facts and the truth from the Sydney Catchment Authority and the State Government on the misleading information fed to the landowners etc.

The Mayor responded that at present Council could only go by what it had been told by the Minister but thanked Mrs Cooper for her question.

4. LANDSCAPE & PRIVACY HEDGE SCREENS

107/18

Mrs Jan Hainke, representing Hedgewise, thanked Council and the Councillors involved in pursuing the issue of hedges over the past four (4) years. She stated that she had not been able to read the 10 page report in the agenda but had seen words used in the report such as “objectionable” (on page 25) and “appropriate” (on page 32). Mrs Hainke believed these words were somewhat subjective.

Referring to Clr P Yeo’s comments she wished to assure him that **many** councils **are** concerned about the high hedge problem. She asked if Council would now “bite the bullet” and specify Cypress Leylandii as the species which is the major problem.

The Mayor stated that Mrs Hainke’s comments would be noted and reiterated his appreciation for the excellent work carried out by Hedgewise which had been acknowledged earlier in the meeting

5. LANDSCAPE & PRIVACY HEDGE SCREENS

107/18

Mr Peter Falk referred to Item o-EP5 heard earlier in the meeting and asked why as an environmentally friendly Council it still promotes exotic plants for hedges – i.e. Leylandii and Cedars – instead of native plants which are more attractive to native birds and animals.

The Mayor stated that this question would be taken on notice.

6. LEGAL MATTER – WSC VS LEHMAN BROS.

107/9, 2104

Mr Peter Smyth stated that after contacting senior Council staff he was informed that the current investment reconciliation (Value Considerations – Variances) are provided by Lehman Brothers alone. He asked if this was true had Council considered independent advice.

The General Manager responded that the valuations are based on the Lehman Brothers valuations and no others are available at this point in time. As part of Council's legal case it was considering all these aspects but he was unable to comment further.

o-EP10 Upgrading Accommodation & New Conference Room, Marist Hermitage

REF: DCM

LUA08/0057

LUA08/0057 has been received, seeking approval for alterations, additions, conference building, and workshop building at Marist Hermitage, Lot 1 DP 804746, Old South Road, Mittagong, which is listed as an item of heritage under WLEP 1989.

MN 245/08

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

THAT Council approves development application LUA 08/0057 for alterations and additions, conference room and workshop building on Lot 1 DP804746 at Old South Road, Mittagong except for the rear additions to the Le Rosey building.

PASSED

o-EP11 Centennial Road, Bowral – Proposed Additions to Winery Storage Building

REF: DCM

LUA04/1960

Reporting on proposed additions to winery storage building at Lot 1 DP 435373 Centennial Road, Bowral. Applicant; John R Webb & Associates.

MN 246/08

MOTION moved by Clr M King and seconded by Clr M Murray:

THAT Council approves development application LUA2004/1960 for additions to Winery and Storage Building on Lot 1 DP 435373 at Centennial Road, Bowral with the additional special conditions:

- (a) The variation of standard pursuant to SEPP 1 is to be approved by Council; and**
- (b) The inclusion of an 88B instrument be approved by Council to ensure that the vegetation surrounding the development remains.**

PASSED

CORPORATE SERVICES DIVISION

o-CS1	Determination of Annual Remuneration for the Mayor and Councillors
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REF.	MAS	101/6
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Reporting on the 2008/09 determination of remuneration for Mayors and Councillors by the Local Government Remuneration Tribunal under Section 242 of Local Government Act 1993 for the Mayor and Councillors.

MN 247/08

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

THAT having regard to the determination from the Local Government Remuneration Tribunal under Section 242 of the Local Government Act 1993, Council approves fees for the 2008/2009 financial year for each Councillor at \$15,120 with the Mayoral fee to be set at \$33,010 AND THAT the Mayoral fee be paid in addition to the Councillors' fee.

PASSED

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

MN 248/08

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

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

PASSED

o-CS3	Outstanding Debt
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REF.	FSM
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2104

Submitting a further report on an outstanding debt for Highlands Waste Services (Reference 28 May 2008, o-CS3 MN 203/08)

Clr L A C Whipper asked that the report on this matter be discussed in Open Council as he believed it was in the interests of the general community as well as the Director of Highland Waste Services.

The Director Corporate Services responded that this was a decision for Council. However, the focus of the report is on a person rather than a company and it is not normally Council's practice to deal with matters relating to an individual in Open Council.

The General Manager advised that he believed there were no legal reasons why this matter should not be heard in Open Council but there are aspects of Council's relationship with this group of companies that are confidential.

MN 249/08

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

THAT the Outstanding Debt for Highland Waste Services be deferred pending information being received from Council's solicitors on whether this legal advice can be made public including the chronology of events filling the gap between 2005 and 2008 AND THAT a report be considered at the Ordinary Meeting of Council to be held on Wednesday, 9 July 2008.

PASSED

TECHNICAL SERVICES DIVISION

o-TS1 Bundanoon Sewerage Augmentation
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REF: MBW	7614
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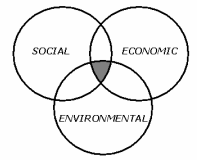
Reporting on the proposed engagement of the Department of Commerce to provide project management services to procure works required to augment the Bundanoon Sewerage system.

MN 250/08

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

1. **THAT** the Department of Commerce's proposal number WBS 48348 for project management services in relation to the Bundanoon Sewerage Augmentation be accepted;
2. **THAT** a Principal - Agent Agreement be executed with the Department of Commerce, under the Common Seal of Council, for procurement of the proposed works.

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.

MN 251/08

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

THAT the information relating to Local Government Weekly Circulars Nos 22/08 - 23/08 and Council Weekly Circulars Nos 24/08 - 25/08 be noted.

PASSED

Matters Arising from Weekly Circulars

1. **APPROVED ROAD SAFETY GRANT FUNDING** 7410/4

Clr T D Gair referred to Item 4 on page 10 of Council Weekly Circular 24/08 regarding the funding of \$4,000 to update existing speed data for the approaches to the Shire villages. These indicators are designed to “shame” drivers into lowering their speed and complying with the speed limit and have proved to be very successful in other areas. He thanked Council’s Road Safety Officer, Charmaine Cooper, for her work in obtaining this funding.

OTHER MATTERS

OTHER MATTERS

NOTICES OF MOTION

c-NM1 20/2008 – Notice of Motion – Campaign Expenses for Local Government Election

REF: MAS

100/4 105

Reference: Ordinary Meeting of Council 11 June 2008 Ref: c-NM1 MN 100/08

*“**THAT** as the mover was not present, this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 25 June 2008”.*

Clr TD 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 252/08

MOTION moved by Clr T D Gair and seconded by Clr J Clark:

THAT candidates in the forthcoming Local Government election be requested to 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.

PASSED

VOTING ON THE MOTION:

Voting for the Motion: Clrs Lewis, Gair, Mauger, Yeo, Clark and Whipper

Voting against the Motion: Clrs M King and M Murray

OTHER MATTERS

c-NRM2 24/2008 – Notice of Motion of Rescission – Sutton Forest Hotel & Restaurant

REF: DCM

100/5, LUA07/1118

The following Notice of Motion was submitted duly signed by Clrs L A C Whipper, J Clark and J Mauger:

*“We hereby give notice of our intention to move at the next meeting of Council that the motion passed at the Ordinary Meeting of Council held on 28 May 2008 **be rescinded**: (Reference: v-EP1 – OC 86/08)*

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.*

Signed *Dated 12 June 2008*
Clr LAC Whipper
Clr J Clark
J Clr J Mauger”

MN 253/08

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

THAT the Notice of Motion of Rescission detailed above be adopted.

PASSED

OTHER MATTERS

c-NM3	25/2008 – Notice of Motion – Sutton Forest Hotel & Restaurant
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REF:	MAS
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100/4 105

Clr LAC Whipper has given notice that should the above Notice of Motion of Rescission be passed it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 25 June 2008.

1. ***“THAT** Council defers any further consideration on the amended plans for the Sutton Forest Hotel & Restaurant until meaningful consultation occurs between the applicant, residents and Council staff.*
2. ***THAT** this consultation seek to explore ways of reducing the bulk and scale of the building as well as the visual impact upon adjoining neighbours, while still providing viability for the proposal by the applicants.*
3. ***THAT** an amended recommendation for this application be brought back to Council at the last meeting of July 2008 for Council’s consideration”.*

MN 254/08

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

1. ***THAT** Council defers any further consideration on the amended plans for the Sutton Forest Hotel & Restaurant until meaningful consultation occurs between the applicant, residents and Council staff.*
2. ***THAT** this consultation seek to explore ways of reducing the bulk and scale of the building as well as the visual impact upon adjoining neighbours, while still providing viability for the proposal by the applicants.*
3. ***THAT** an amended recommendation for this application be brought back to Council by the last meeting of July 2008 for Council’s consideration.*

PASSED

OTHER MATTERS

QUESTION WITH NOTICE

c-QWN1	QWN 01/08 – Recoupment of Loan for Wingecarribee Services Centre – “By way of Shire Wide Section 94 Contribution Plan”
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REF.	SPM, FSM, MM
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101/2,

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

MN 255/08

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

- 1. THAT Council writes off the debt of \$100,000 to the Wingecarribee Services Centre***
- 2. THAT a contribution plan be put in place to recoup any allowable apportionment of Council’s financial contribution to the centre.***
- 3. THAT Council’s position be by way of a voluntary planning agreement which includes where appropriate negotiated contributions for the Wingecarribee Services Centre.***

PASSED

COMMITTEE REPORTS TABLED

c-CR1	Management and Advisory Committee Reports
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REF.	DCS	107/1
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Submitting minutes of the following five (5) Committee meetings that will be tabled for information.

1. Bong Bong Common Management Committee meeting Tuesday 5 February 2008
2. Exeter Park Management Committee meeting Monday 5 May 2008
3. Mittagong Memorial Hall Management Committee meeting Thursday 1 May 2008
4. Penrose Hall and Recreation Reserve Committee meeting Monday 7 April 2008
5. Water & Sewer Advisory Committee meeting Wednesday, 21 May 2008

MN 256/08

MOTION moved by Cllr P Yeo and seconded by Cllr M King:

THAT the information contained in the five (5) Committee Reports be noted.

PASSED

COMMITTEE REPORTS ATTACHED

c-CR2	Rural Fire Service District Liaison Committee
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REF	GM	6433/5
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Submitting minutes of the Rural Fire Service District Liaison Committee meeting held on Wednesday, 30 May, 2008.

MN 257/08

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

THAT Recommendation SLA 01/08 of the Rural Fire Service District Liaison Committee meeting held Wednesday, 30 May 2008 be adopted.

PASSED

c-CR3	Legal Committee
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REF	DEP	107/22
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Submitting minutes of the Legal Committee meeting held on Wednesday, 11 June, 2008.

MN 258/08

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

THAT the recommendations as detailed in the minutes of the Legal Committee meeting held Wednesday, 11 June 2008 be adopted.

PASSED

GENERAL BUSINESS

1. KANGALOON AQUIFER 5458/7

Clr M King referred to the Kangaloon aquifer and asked that Council requests the State Government in the strongest possible terms to commit to abandoning the drilling of the borefield to stop desecration of our landscape and threat to our groundwater. She asked if Council could make a formal protest in relation to this matter.

2. PROBLEMS WITH ROADS IN SUTTON FOREST 7810/3, RD 3702, RD 3706
RD 3705, RD 3708

Clr M Murray referred to problems with road repairs in Greenhills Road, Ormond Street, Conflict Street and Nicholson Street in Sutton Forest which had apparently not been satisfactory and asked for an update on this matter.

The Director Technical Services stated that he would provide further details in the Weekly Circular.

3. MOSS VALE TENNIS COURT UPGRADES 6618/9.1 2130

Clr M Murray referred to page Item o-CS2 Moss Vale Tennis Court Upgrade on page 25 of the minutes of the Ordinary Meeting of Council held on Wednesday, 11 June 2008 where it is stated in the recommendation that two (2) personal guarantees were required. He advised that he had been contacted by one of the officials of the club stating that this would be difficult due to the fact that the tennis club officials change quite regularly and asking whether Council would consider removing this condition.

The Director Corporate Services responded that after speaking to the Tennis Club he intended to bring a further report back to the Ordinary Meeting of Council on Wednesday, July 9 2008.

4. RURAL SHED IN PENROSE ROAD, BUNDANOON LUA08/0067, PN 1170600

Clr J Clark referred to the large rural shed in Penrose Road, Bundanoon and asked if a development application was approved for this shed which is 500 metres south of Coalmines Road (property formerly known as "Misty Gem"). If so, he asked if the large size is permissible within the zone.

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

5. COST OF COUNCIL CAR FLEET

841/5

Clr J Mauger asked if the General Manager could provide Councillors with an indication of the increase in costs of the Council car fleet due to the rise in fuel prices and what the effects of this increase will be on Council's works program.

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

6. PARKING FINES IN EMPIRE CINEMA PARKING AREA

7470/6, 5504/1

Clr J Mauger referred to the Empire Cinema parking area and stated that it had been brought to his attention that a number of patrons received parking tickets whilst attending a movie on 13 June 2008. He asked if the current policy of writing tickets would continue and what can be done to alleviate this iniquitous situation, especially as this area is utilised by car owners who transport disabled persons to the cinema.

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

CORPORATE SERVICES DIVISION

c-CS1	Closed Council
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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 259/08

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

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-TS1 **ELECTRICAL & TELEMETRY MAINTENANCE CONTRACT 2008-10** 6330/08.5

Relevant Legal Provision

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

Brief Description

The purpose of this report is to provide details of the tenders received for the "Electrical and Telemetry Maintenance Contract 2008-10" and submit a recommendation to Council for acceptance of a preferred tender.

Public Interest

It would be contrary to the public interest to consider this information in Open Council because it contains information which could confer a commercial advantage.

c-CS1 OUTSTANDING DEBT

2104

Relevant Legal Provision

This report is placed in Closed Committee under Clause 10A2(g) of the Local Government Act, as it contains information that references advice that may be subject of legal professional privilege and 10A2(b) of the Local Government Act, as it is concerning particular individuals, and the personal hardship of a resident or ratepayer

Brief Description

Submitting a further report on an outstanding debt for Highlands Waste Services. (Reference 28 May 2008, o-CS3 MN 203/08)

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information that may be subject of legal professional privilege.

c-CS2 BRIEFING ON CURRENT STATUS OF LEGAL MATTER WSC V LEHMAN BROTHERS AUSTRALIA

107/9, 2104

Relevant Legal Provisions

This report is placed in Closed Committee under Clause 10A2(g) of the Local Government Act, as it contains information that references advice that may be subject of legal professional privilege.

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 may be subject of legal professional privilege.

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

PASSED

GENERAL MANAGERS REPORT

c-TS1	Electrical & Telemetry Maintenance Contract 2008-10
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REF:	WSM	6330/08.5
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Relevant Legal Provision

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

Brief Description

The purpose of this report is to provide details of the tenders received for the "Electrical and Telemetry Maintenance Contract 2008-10" and submit a recommendation to Council for acceptance of a preferred tender.

Public Interest

It would be contrary to the public interest to consider this information in Open Council because it contains information which could confer a commercial advantage.

The Committee on a MOTION moved by Cllr P Yeo seconded by Cllr T D Gair

RECOMMENDED:

1. **THAT the Schedule of Rates tender from Concept Engineering for the provision of electrical and telemetry maintenance services to this Council be accepted;**
2. **THAT the Mayor and General Manager to be granted authority to execute the agreement under the Common Seal of the Council for the "Electrical and Telemetry Maintenance Contract 2008-10".**

PASSED

CORPORATE SERVICES DIVISION

c-CS1	Outstanding Debt
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REF.	FSM	2104
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Relevant Legal Provision

This report is placed in Closed Committee under Clause 10A2(g) of the Local Government Act, as it contains information that references advice that may be subject of legal professional privilege and 10A2(b) of the Local Government Act, as it is concerning particular individuals, and the personal hardship of a resident or ratepayer

Brief Description

Submitting a further report on an outstanding debt for Highlands Waste Services. (Reference 28 May 2008, o-CS3 MN 203/08)

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information that may be subject of legal professional privilege.

It was noted that this matter was considered earlier in the meeting (refer also MN 249/08).

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

THAT the information in relation to the Outstanding Debt for Highlands Waste Services be noted, having regard to Council's decision in MN 249/08.

PASSED

c-CS2 Briefing on Current Status of Legal Matter WSC v Lehman Brothers Australia

REF. DCS

107/9, 2104

Relevant Legal Provisions

This report is placed in Closed Committee under Clause 10A2(g) of the Local Government Act, as it contains information that references advice that may be subject of legal professional privilege.

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 may be subject of legal professional privilege.

The Committee on a MOTION moved by Clr M Murray seconded by Clr P Yeo

RECOMMENDED:

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

PASSED

OPEN COUNCIL

MN 260/08

MOTION moved by Clr P Yeo seconded Clr L A C Whipper:

THAT Council moves back into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

107/9

MN 261/08

MOTION moved by Clr P Yeo seconded Clr L A C Whipper:

THAT the recommendations of the Closed Council held on Wednesday, 25 June 2008 c-TS1, c-CS1 and c-CS2, be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

107/10

MN 262/08

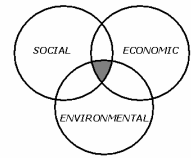
MOTION moved by Clr G Lewis seconded Clr P Yeo:

THAT the recommendations of the Open Council held on Wednesday, 25 June 2008 being OC 128/08 to OC 133/08, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 25 June 2008



THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.40PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 25 June 2008 numbered MN 238/08 to MN 262/08, were signed by me hereunder at the Council Meeting held on Wednesday, 9 July 2008.

CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 9 JULY 2008

CHAIRMAN

PUBLIC OFFICER



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 25 June 2008

