

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/07



held on Wednesday, 13 August 2008

The meeting commenced at 3.34pm.

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 Moss Vale on Wednesday, 13 August 2008

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COMMENCING AT: 3.34PM

PRESENT: Councillor Gordon Lewis (Mayor) in the Chair
Clr NN Campbell-Jones, Clr J R Clark, Clr T D Gair,
Clr P A George (4.05pm), Clr M L King, Clr J E Mauger,
Clr M J Murray, Clr S H Murray (4.45pm),
Clr P B Tuddenham, Clr L A C Whipper and Clr P Yeo

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

PRAYER

100/1

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

PUBLIC FORUM

Mr Ian Stapleton of Clive Lucas Stapleton & Partners requested and was granted permission to address Council on ***Item o-EP16 Proposed Change of use from Dwelling to Tourist Accommodation – 52 Shepherd Street, Bowral (Bradman’s residence).***

Mr William Croese requested and was granted permission to address Council on ***Item o-EP22 Draft DCP for OLSH site, Bowral.***

Mr Rex Blatch requested and was granted permission to address Council on ***Item c-NM2 35/2008 – Notice of Motion – Alexandra Square, Mittagong.***

The Mayor thanked all speakers for their comments which would be taken into account when these matters were discussed later in the meeting.

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 23 JULY 2008

100/1

MN 317/08

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 23 July 2008 MN 278/08 to MN 316/08 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

DECLARATIONS OF INTEREST

101/3

1. Clr M Murray declared a non-pecuniary interest in Item o-CS5 Outstanding Debt as the matter concerns the former manager of his team's election campaign during the last Local Government Elections. Clr Murray advised that due to recent changes in legislation which define more clearly the meaning of "significant" in relation to non-pecuniary interests he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
 2. Clr N N Campbell-Jones declared a non-pecuniary interest in Item o-CS5 Outstanding Debt as the matter concerns the former manager of his team's election campaign during the last Local Government Elections. Clr Campbell-Jones advised that due to recent changes in legislation which define more clearly the meaning of "significant" in relation to non-pecuniary interests he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
 3. Clr M King declared a non-pecuniary interest in Item o-CS5 Outstanding Debt as the matter concerns the former manager of her team's election campaign during the last Local Government Elections. Clr King advised that due to recent changes in legislation which define more clearly the meaning of "significant" in relation to non-pecuniary interests she would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
 4. Clr P B Tuddenham declared a pecuniary interest in Item o-CS5 Outstanding Debt as the applicant is known to his business. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
 5. Clr P B Tuddenham declared a pecuniary interest in Item EP7 Mittagong Central as his business is located in the immediate vicinity of this development. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
 6. Clr P Yeo declared a non-pecuniary interest in Item c-CS1 Moss Vale CBD Car Park – Potential Future Development as he has a personal friendship with the proponents through a professional community organisation. He stated he would leave the chamber, take no part in the debate and refrain from voting thereon.
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MAYORAL MINUTE

c-MM1 Community Garden

REF. MAYOR 5320/5, 1850/21, 5465/29.01, 107/25 (cc 102/5)

Reporting on a suggestion to establish a community food garden, or series of community food gardens, in Wingecarribee Shire.

MN 318/08

MOTION moved by Cllr G Lewis and seconded by Cllr P Yeo:

1. **THAT** the idea of establishing community food gardens in our towns and villages be pursued in discussions with CANWin and the Environment and Sustainability committee.
2. **THAT** the possibility of requesting future seniors living development approvals carry a condition requiring the developer to provide land for, and then establish, a community garden for residents to use should they wish to grow vegetables within the property, be investigated.
3. **THAT** a report on the feasibility of establishing a community food garden scheme be brought back to Council following discussions with CANWin and the Environment and Sustainability Committee. This report should also comment on the feasibility of requesting future seniors living development approvals carry a condition requiring the developer to provide land for, and then establish, a community garden for residents.

PASSED

c-MM2 World Youth Day

REF. MAYOR 1611, 1675 (cc 102/5)

Acknowledging the local community support for pilgrims visiting Australia for World Youth Day.

MN 319/08

MOTION moved by Clr G Lewis and seconded by Clr M Murray:

THAT the local community support for pilgrims visiting Australia for World Youth Day, be acknowledged in an upcoming edition of Wingecarribee Today.

PASSED

c-MM3 Committee System

REF. MAYOR 107 (cc 1855/17) (cc 102/5)

Reporting on the operation of Council's committee systems.

MN 320/08

MOTION moved by Clr G Lewis and seconded by Clr M King:

THAT the incoming Council, as one of its first actions, reviews the current committee system and come up with a method whereby consultation with the community can be restored as part of the operation of the Council.

PASSED

c-MM4 Ethel Willis

REF. MAYOR

102, 600/6 (cc 102/5)

Recognising the contribution of former Bowral Municipal Council Alderman Ethel Willis to local government in Wingecarribee Shire.

MN 321/08

MOTION moved by *Clr G Lewis* and seconded by *Clr T D Gair*:

THAT *the outstanding contribution of Ethel Willis, as an enthusiastic elected member and a very committed health professional for over half a century, be acknowledged in an upcoming edition of Wingecarribee Today.*

PASSED

CRITICISM OF COUNCIL STAFF

800

The Mayor referred to recent comments in the media and expressed his concern that when Council staff are criticised they have no right of reply and are unable to defend themselves. Staff are an integral part of this organisation but they become victims of the political game. As Mayor he found that the comments made by some assure him they have no principles and certainly no idea of the workings of Council. Some of the comments made could lead to potential court proceedings before too long as they are treading a very fine line. He added that he thought the Democrats were dead and buried as a political party but apparently they are not when he read comments such as “to keep the b*****s honest” in the media.

Regarding the leisure centre the Mayor stated that it was refreshing to see a community group come forward to challenge the “No” voters.

Clr P George joined the meeting at 4.05pm.

DECLARATION OF INTEREST

101/3

Interest: Clr P George declared a significant non-pecuniary interest in Item o-CS5 Outstanding Debt as the matter concerns the former manager of her team’s election campaign during the last Local Government Elections. She stated that she would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.

OPEN COUNCIL

MN 322/08

107/10

MOTION moved by Clr P Tuddenham and seconded by Clr M King:

THAT Council moves into Open Council to discuss various matters listed in the Agenda with Clr G Lewis in the Chair.

PASSED

SUSPENSION OF STANDING ORDERS

100/4, 841/5, 6606/3, 7472

Then Mayor stated that **Item c-NM1 Council Leased Vehicles** concerned a major change in Council's policy and as Council is currently in "caretaker" mode he believed that this matter should not be dealt with tonight but referred for consideration as early as possible by the New Council.

The Mayor also stated that he believed **Item c-NM2 – Alexandra Square, Mittagong** should be deferred for consideration. Council had received independent legal advice as well as advice from the Crown Solicitor's Office that the area can only be used for public recreation. Again Council is in "caretaker" mode and there is a split in the community regarding its use.

The third matter he believed should be deferred for consideration by the new Council was Item **c-CS1 Moss Vale CBD Car Park – Potential Future Development** in Closed Committee as it is a significant issue regarding town planning matters and Council property.

The Director Corporate Services commented that he had sought some advice from the Department of Local Government on these three (3) issues. This advice confirmed that anywhere where a Council policy had been well discussed and communicated and was at the end of that process in terms of changing a policy would not be an issue in the "caretaker" mode of Council. However where it was a matter that was being brought forward and hadn't been communicated or discussed, the DLG would have concerns about Council changing its policy.

In relation to Item c-NM2 - Alexandra Square, Mittagong their advice was that any matter where there was a divergence of views in the community, where Council probably had not had the opportunity to appropriately converse with the community and where no plan of management was in place should be a matter for consideration by a future Council.

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Cont'd.....

As far as Item c-CS1 Moss Vale CBD Car Park – Potential Future Development was concerned, he supported the Mayor's comments that this a significant issue in terms of planning for the CBD of Moss Vale and it is also a significant decision in relation to Council property. On that basis the DLG's advice was that this should also be something for a future Council to consider.

1. c-NM1 32/2008 – NOTICE OF MOTION – COUNCIL LEASED VEHICLE

100/4 841/5

OC 168/08

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

1. **THAT Item c-NM1 Council Leased Vehicles be deferred for consideration by the new Council AND THAT a Councillor Information Session be held to discuss with the Council any changes in Council policy.**
2. **THAT any requested changes be the subject of an officer's report to the new Council following the Local Government Elections to be held on Saturday, 13 September 2008.**

PASSED

2. c-NM2 35/2008 – NOTICE OF MOTION – ALEXANDRA SQUARE, MITTAGONG

100/4 6606/3

OC 169/08

The Committee on a MOTION moved Clr G Lewis and seconded Clr J Mauger
RECOMMENDED:

THAT Item c-NM2 – Alexandra Square, Mittagong be deferred for consideration by the new Council.

PASSED

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

.....Cont'd

Cont'd.....

3. c-CS1 MOSS VALE CBD CAR PARK – POTENTIAL FUTURE DEVELOPMENT

7472

OC 170/08

The Committee on a MOTION moved Clr G Lewis and seconded Clr L A C Whipper
RECOMMENDED:

**THAT Item c-CS1 Moss Vale CBD Car Park – Potential Future Development be deferred
for consideration by the new Council**

PASSED

ITEMS DEFERRED FROM MEETING HELD ON WEDNESDAY, 23 JULY 2008

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 1/7/08 and 16/7/08. (*This matter was deferred for consideration from the Ordinary Meeting of Council held on Wednesday, 23 July 2008*).

OC 171/08

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

THAT the information relating to Development Consent Nos 1-12 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 1/7/08 and 16/7/08, some of which will be dealt with under delegated authority of the Director of Environment & Planning. (*This matter was deferred for consideration from the Ordinary Meeting of Council held on Wednesday, 23 July 2008*).

OC 172/08

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

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

PASSED

o-EP3 Alterations to Westpac Building, Bong Bong Street, Bowral to Create Tenancies

REF: DCM

LUA06/1405

Reporting on LUA06/1405 which seeks approval for renovations, alterations and additions to the Westpac Bank building to create an additional six tenancies with direct access to the 'Empire Walk' to the north of the Empire Cinema, Bowral. (*This matter was deferred for consideration from the Ordinary Meeting of Council held on Wednesday, 23 July 2008*).

OC 173/08

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

1. **THAT upon receipt of a voluntary offer from the applicant in lieu of the seven deficient car parking spaces to the satisfaction of the Director Environment and Planning, the Development Application LUA06/1405 for alterations and additions on Lot 456 DP 258059 and demolition of wall upon Lot 455 DP 258059 at Bong Bong Street, Bowral, be approved.**
2. **THAT those who made submissions be advised of Council's decision.**
3. **THAT the issue of a further disabled car parking space in the cinema parking area be referred to the Traffic Committee for consideration.**

PASSED

o-EP4 Proposed relocation of Existing Dwelling within 'Vine Lodge'

REF: DCM

LUA08/0345

Reporting on the proposed relocation of an existing dwelling on site within "Vine Lodge" Lot 1 DP596495 Exeter Road, Exeter. (*This matter was deferred for consideration from the Ordinary Meeting of Council held on Wednesday, 23 July 2008*).

OC 174/08

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

THAT the development application LUA08/0345 for the relocation of an existing dwelling within Lot 1 DP596495 Exeter Road, Exeter, as required by LUA04/1132 and LUA04/0302, be approved.

PASSED

o-EP5 Wingecarribee Shire Community Profile 2006

REF: DEP

1470/4; 1840

Reporting on the Wingecarribee Shire Community Profile 2006. (*This matter was deferred for consideration from the Ordinary Meeting of Council held on Wednesday, 23 July 2008.*)

OC 175/08

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

1. **THAT Council endorses the Wingecarribee Shire Community Profile 2006 for summary presentation via web page and publication and for general distribution at Shire Customer Services and Libraries.**
2. **THAT Council's Community Planner be thanked for her work on the Wingecarribee Shire Community Profile 2006 as it forms a valuable community document.**

PASSED

o-EP6 Road Widening, Blue Gum Road, Bundanoon

REF: DCM

RD 1809; LUA04/1132; LUA04/0302

Reporting on road widening at Blue Gum Road, Bundanoon. (*This matter was deferred for consideration from the Ordinary Meeting of Council held on Wednesday, 23 July 2008.*)

OC 176/08

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

THAT Council defers a decision on the width of Blue Gum Road, Bundanoon until an on-site inspection meeting for Councillors, local residents and representatives of the Bundanoon Community Association.

PASSED

o-EP7 Mittagong Central

REF: DCM

LUA05/0832

Reporting on the proposed internal amendments to Mittagong Central under LUA05/0832. (This matter was deferred for consideration from the Ordinary Meeting of Council held on Wednesday, 23 July 2008).

Interest: Clr P B Tuddenham declared a pecuniary interest in this matter as his business is located in the immediate vicinity of this development. He left the chamber, took no part in the debate and refrained from voting thereon.

OC 177/08

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

1. **THAT** authority be delegated to the Director Environment and Planning to determine the application pursuant to Section 96 of the EP and A Act to modify development consent no. LUA2005/0832 for the creation of additional floor space within the roof area of "Mittagong Central" at part lot 23 section 2 DP1289 and lot B DP394677, Station Street, Mittagong.
2. **THAT** Winifred West Park be restored to its normal condition by the developer as soon as possible **AND THAT** appropriate traffic signage be erected in Church Lane.

PASSED

CORPORATE SERVICES DIVISION

o-CS1	Request To Lease Council Land Part Lot 10 Deposited Plan 701530 Oxley Hill Road, Bowral
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REF:	PO	7120/2; 7922; PN1132600 & PN1132900
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Reference: Ordinary meeting of Council 23 July 2008 MN 304/08. (*This matter was deferred for consideration from the Ordinary Meeting of Council held on Wednesday, 23 July 2008*).

OC 178/08

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

THAT Council refuses the request to lease any portion of Lot 10 DP701530 Oxley Hill Road, Bowral.

PASSED

Clr S H Murray joined the meeting at 4.45pm.

o-CS2	Draft Plan Of Management for Glebe Park, Bowral (Incorporating Bradman Oval)
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REF:	PO	6527/3.3
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Reference: Ordinary meeting of Council 23 July 2008 MN 305/08. (*This matter was deferred for consideration from the Ordinary Meeting of Council held on Wednesday, 23 July 2008*).

OC 179/08

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

THAT the draft Plan of Management for Community Land known as Glebe Park Bowral (incorporating Bradman Oval) be adopted AND THAT this document be known as the 'Plan of Management for Glebe Park Bowral (incorporating Bradman Oval)'

PASSED

o-CS3	Cancellation of Easement For Right of Carriageway over Lot 1 Deposited Plan 566250 Evans Lane Bowral and Proposed Land Transfer from Lot 1 Deposited Plan 566250 to Centennial Road Golf Course
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REF.	PO	PN 516100; PN 215900
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Reference: Ordinary meeting of Council 23 July 2008 MN 306/08. (*This matter was deferred for consideration from the Ordinary Meeting of Council held on Wednesday, 23 July 2008*).

OC 180/08

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

1. **THAT Council give written notice to the registered proprietor of Lot 1 Deposited Plan 566250 Evans Lane Bowral of its acceptance of the offer to cancel the right of carriageway over Lot 1 Deposited Plan 566250 in exchange for the transfer of that part of Lot 1 Deposited Plan 566250 that protrudes into the Centennial Road Golf Course.**
2. **THAT the consideration to be paid by Council for the transfer of part Lot 1 Deposited Plan 566250 be 'nil'.**
3. **THAT the land transferred to Council, being part Lot 1 Deposited Plan 566250, be consolidated with the relevant Certificates of Title for Centennial Road Golf Course being Lot 1 Deposited Plan 159189.**
4. **THAT all fees associated with the transfer of part Lot 1 Deposited Plan 566250 including legal, surveying and registration fees, be paid from the Property Development Reserve.**
5. **THAT following the registration of the transfer of part Lot 1 Deposited Plan 566250, the General Manager and Mayor execute the Cancellation of Abandoned Easement dealing under the Common Seal of the Council.**
6. **THAT the registered proprietor of Lot 1 Deposited Plan 566250 pay all legal, registration and other fees relating to the registration of the Cancellation of the Abandoned Easement.**

PASSED

o-CS4	Investments as at 30 June 2008
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REF	FSM	2104
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Reference: Ordinary meeting of Council 23 July 2008 MN 307/08. (*This matter was deferred for consideration from the Ordinary Meeting of Council held on Wednesday, 23 July 2008*).

OC 181/08

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

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

PASSED

COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 Weekly Circulars

REF.	GM	100/8, 203/2008
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Confirming receipt of weekly circulars from the Local Government Association and Council weekly circulars. (*This matter was deferred for consideration from the Ordinary Meeting of Council held on Wednesday, 23 July 2008*).

OC 182/08

The Committee on a MOTION moved Clr P Yeo and seconded Clr P George
RECOMMENDED

THAT the information relating to Local Government Weekly Circulars Nos 26/08 - 27/08 and Council Weekly Circulars Nos 28/08 - 29/08 be noted.

PASSED

Matters Arising from Weekly Circulars

1. PARKING STATISTICS 5504

Clr T D Gair requested that in future the parking statistics be set out in a tabulated format with the parking stations on one side of the page and the number of relevant bookings on the other.

Clr N N Campbell-Jones stated that he believed there were going to be two parking rangers on duty and yet it is quite clear that over the past 10 weeks there has only been one most of the time. He asked that if possible the names of the parking rangers be included in the statistics.

The Director Environment & Planning advised that he would investigate the requests and take appropriate action where possible.

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 six (6) Committee meetings that will be tabled for information. (*This matter was deferred for consideration from the Ordinary Meeting of Council held on Wednesday, 23 July 2008*).

OC 183/08

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

THAT the information contained in the six (6) Committee Reports be noted.

PASSED

COMMITTEE REPORTS ATTACHED

c-CR2	Environment & Sustainability Committee
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REF	PPM	107/25, 5465/29.01
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Submitting minutes of the Environment & Sustainability Committee meeting held on Wednesday, 11 June, 2008. (*This matter was deferred for consideration from the Ordinary Meeting of Council held on Wednesday, 23 July 2008*).

Clr L A C Whipper referred to the item titled Presentation: Business Treading Lightly on page 56 of the business paper and stated that this topic would appear regularly on the agenda of the Environment & Sustainability Committee.

OC 184/08

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

THAT recommendation Nos 1 to 6 as detailed in the minutes of the Environment & Sustainability Committee meeting held Wednesday, 11 June 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, 9 July, 2008. (*This matter was deferred for consideration from the Ordinary Meeting of Council held on Wednesday, 23 July 2008*).

OC 185/08

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

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

PASSED

NEW REPORTS FOR THIS MEETING

ENVIRONMENT & PLANNING DIVISION

o-EP8 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 16/7/08 and 4/8/08.

OC 186/08

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

THAT the information relating to Development Consent Nos 1-12 under Delegated Authority be received and noted.

PASSED

o-EP9 List of Development Applications Received By Council

REF: DCM 5302

Submitting a list of development applications which have been received between 16/7/08 and 4/8/08, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

OC 187/08

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

THAT the information regarding the List of Land Use Applications Nos 1-10 received by Council be received and noted.

PASSED

o-EP10 Land Use Applications Received

REF: DCM

5302

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

OC 188/08

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

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

PASSED

o-EP11 Advertising Signage Heritage Park, Bowral

REF: DCM

LUA08/0583

Reporting on advertising signage at Heritage Park, Bowral.

OC 189/08

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

THAT the application for two real estate signs for Heritage Park be refused.

Reasons for Refusal

The proposed signs do not comply with the requirements of "Real Estate signs" as contained in DCP 33 "Advertising and Signage".

Condition of refusal imposed having regard to matter listed for consideration under Section 79(c), 1 (c) of the Environmental Planning & Assessment Act 1979.

PASSED

o-EP12 S96(2) Modification – Multiple Occupancy, Murrimba Rd, Wingello

REF: DCM

LUA07/0219

Reporting on S96(2) modification – multiple occupancy comprising two dwellings, at Lot 3 DP 579061 Murrimba Road, Wingello.

OC 190/08

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

THAT the Section 96(2) Amendment to LUA07/0219 for multiple occupancy comprising two dwellings, at Lot 3 DP 579061 Murrimba Road, Wingello, be approved.

PASSED

o-EP13 Proposed Multiple Occupancy Lot 3 DP579061, Murrimba Road, Wingello

REF: DCM

LUA07/1180

Proposed Multiple Occupancy – staged development pursuant to Section 83B of the Environmental Planning & Assessment Act 1979, for 3 additional multiple occupancy dwellings – Lot 3 DP579061 Murrimba Road, Wingello.

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

THAT Council approves LUA07/1180 for 3 additional multiple occupancy dwellings at Lot 3 DP579061 Murrimba Road, Wingello.

LOST

VOTING ON THE MOTION:

Voting for the Motion: Clrs Gair, M Murray, King, George and Campbell-Jones

Voting against the Motion: Clrs Lewis, Mauger, Tuddenham, S Murray, Whipper, Clark and Yeo

.....Cont'd

Cont'd.....

OC 191/08

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

THAT the Proposed Multiple Occupancy Lot 3 DP579061, Murrimba Road, Wingello be refused as it does not comply with the New Draft LEP as exhibited.

PASSED

o-EP14 Proposed 5 Seniors Strata Self Care Units under Seniors Living SEPP

REF:

LUA 07/1243; PN 995300

Reporting on a proposal to erect 5 single storey self care dwellings under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* at No. 537 Moss Vale Road Burradoo (Lot 1 DP 918168).

OC 192/08

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

THAT this matter be deferred pending the receipt of a response from the Minister.

PASSED

o-EP15 Proposed Sign for Bundanoon Club, Bundanoon Oval, Erith Street

REF: DCM

LUA08/0434

Reporting on the proposed business identification sign for the Bundanoon Club at Lot Part 1 DP 3678 Erith Street, Bundanoon.

OC 193/08

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

THAT LUA08/0434 for a proposed business identification sign for the Bundanoon Club, Part Lot 1 DP 3678 Erith Street, Bundanoon, be approved due to the club's remoteness from the residential area and subject to the height of the sign being no more than 4.5 metres as per Council's DCP.

PASSED

QUESTIONS FROM THE PUBLIC

1. GAS POWER PLANT AT PENROSE

6320

Ms Julia Arkwright referred to then gas power plant at Penrose and asked if Council had met with Loren Energy in relation to their Part 3a application to the Department of Planning for the \$350 million gas power plant in Penrose. If so what information can Council provide the community in relation to:

- a) The effects of local eco systems;
- b) Size of the development;
- c) Noise of production;
- d) Hours of operation
- e) Amount of jobs it will provide;
- f) Section 94 or planning agreements.

Ms Arkwright stated that other questions could include where the power will be used and if used locally, will consumers have a choice? Also will local aquifers be affected?

The Director Environment & Planning responded that the proponent is going down the path of a Part 3a application direct to the Minister. A Planning Focus Meeting was held which Council officers attended as part of the process to confirm the parameters for the Environmental Impact Assessment reports. Council has had some input and will be a participant in the process by putting forward its views. However, this is not a matter for Council to determine.

2. CHANGE OF USE FROM DWELLING TO TOURIST ACCOMMODATION -
52 SHEPHERD STREET, BOWRAL (BRADMAN'S RESIDENCE)

LUA08/0303

Mrs Helen Maguire, the owner of an adjoining property, asked the following questions:

- a) Why sub-letting and who is the lessee?
- b) Will there be no individual letting?
- c) Block letting by whom?
- d) Will there be a manager permanently on the premises?
- e) Why weren't all neighbours notified?

Ms Maguire added that this was a residential area and the applicant can rent property without change of use to "tourist" (she referred Councillors to the front page of the "Weekend Australian" of 2/3 August 2008 regarding the Bradman Museum.

The General Manager suggested that Ms Maguire arrange to meet with himself and Council officers so that her concerns can be addressed directly.

3. LEGAL COSTS

502

Mr Terry Oakes Ash referred the question he had asked on three previous occasions regarding legal costs and asked whether in the term of this Council an updated assessment of the legal costs would be included within the minutes.

Clr M Murray responded in the affirmative.

4. BOWRAL COURT HOUSE

1430/2

Mrs Pam Cooper asked Clr M King if any further progress had been made on the future of the Bowral Court House.

Clr M King responded that unfortunately no further progress had been made as it was sitting with Mittagong Bowling Club/Alexandra Square matter and hopefully the next Council would be able to move both issues forward.

5. LAND ON CORNER OF MITTAGONG ROAD & VICTORIA AVE, BOWRAL

PN197400, PN964600, PN964500

Mrs Pam Cooper referred to the land owned by Mr Turland on corner of Mittagong Road and Victoria Avenue. She asked that as the land had lain vacant for some considerable time and is detrimental to the entrance to Bowral township, has Council had any indication as to when Mr Turland will commence his projects or clean up this eyesore.

The Mayor stated Council had not received any indication from Mr Turland as to what is happening with this property.

Clr N N Campbell-Jones advised that the land was split into two (2) blocks and Mr Turland actually owned the block of land nearest the swimming pool, not the block on the corner of Victoria Avenue and Mittagong Road.

6. CAR "HOON" PROBLEMS IN EXETER 7980, RD 2313

Mrs Pam Cooper stated that residents in Exeter were experiencing problems with car hoons making donuts and fishtailing in Ringwood Road on the area that was kept mown and looked after by the locals. This behaviour is creating large gouges in this grassed area and is impossible to mow. She asked if it would be possible for Council to help deter this behaviour (usually around 4.00am) by the erection of some type of wooden barriers (eg koppers logs) around the perimeter.

The General Manager responded that he would take this question on notice and respond to Mrs Cooper.

Clr M Murray asked if the response to Mrs Cooper could also be provided in the weekly circular.

Clr T D Gair asked if this matter could be referred as a supplementary motion to the next Traffic Committee meeting.

7. PUBLIC SWIMMING POOLS 6700

Ms Lyndall McGrath referred to public swimming pools and asked that in the event of a "yes" vote to the Leisure Centre Poll can Council guarantee the community that the Moss Vale and Mittagong pools will remain open. She also asked whether this guarantee had a time frame that is not contingent on changes to Council's finances.

The Mayor stated that this matter would be dealt with by the new Council.

Clr N N Campbell-Jones added that the present Pools & Leisure Centre Committee has never suggested that Mittagong or Moss Vale pools would be closed.

8. LEHMAN BROTHERS INVESTMENTS 2104, 107/9

Mr Peter Smyth referred his question to the Mayor and stated that he had recently asked questions regarding this Council's losses incurred with the Lehman Brothers CDOs. The answers he had received from the General Manager varied from "*we believe that the only valuations available are from Lehman Brothers*" and also "*there is no market except from Lehman Brothers*".

He asked if the Mayor would consider consulting other Councillors and urgently finding an independent valuation so the ratepayers are fully aware of the "*total loss amounts*" prior to the next election as forearmed is forewarned.

The General Manager responded that this question would be taken on notice as costs would be incurred to obtain legal advice in order to answer this question. However, he had explained on several occasions that Council is not permitted to comment on these issues in public during the court case.

9. REGISTERED MAIL FOR NEIGHBOUR NOTIFICATION

1480/1

Mr Peter Smyth asked if it would be good practice to use registered mail and “*signed receiver on file*” for any neighbour notifications in the future to avoid confusion and ensure transparency.

The Mayor advised that the cost factor for registered mail would have to be investigated.

10. LEISURE CENTRE

7181, 7830/2

Mr Peter Falk asked why Council can't sell off the designated land and use the funds to build a Shire wide bicycle track which would give the shire a nil carbon footprint and a more physically fit community. If certain developers and real estate people want a community centre they can build and develop one themselves as well as assume any ongoing costs other than raising rates to pay for it. He asked if this was a fair suggestion.

The General Manager responded that this matter had come up in discussions that because the land is changed from community to operational land and is able to be sold does not mean that it will be sold and secondly that it has to be spent on the leisure centre. Councils throughout Australia are rationalising their land assets with a view to doing exactly the sort of things to which Mr Falk was referring.

11. BONG BONG COMMON MANAGEMENT PLAN

6530/1.3

Mr Peter Falk asked why Council had not released the revised Bong Bong Management Plan– Bong Bong Management Plan.

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

ENVIRONMENT & PLANNING DIVISION

o-EP16	Proposed Change of Use from Dwelling to Tourist Accommodation – 52 Shepherd Street, Bowral (Bradman's residence)
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REF:	DCM
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LUA08/0303

Reporting on a development application received for a change of use from residence to tourist accommodation/holiday leasing at Lot 1 DP 784321 No. 52 Shepherd Street, Bowral

OC 194/08

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

THAT Council approves LUA08/0303 for use of 52 Shepherd Street, Bowral as tourist accommodation, and issues an appropriately worded and conditioned consent inclusive of the draft conditions of consent accompanying this report AND THAT the applicant and immediate neighbours confer with the Director Environment & Planning regarding privacy issues.

PASSED

o-EP17	Proposed Boundary Adjustment and Easement for Services, Old South Road and Mansfield Road, Bowral
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REF:	DCM
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LUA08/0475

Reporting on proposed boundary adjustment between Lot 20 DP 1001806 and Lot 1 DP 860647 and easement for access and easement for services within Lot 421 DP 792719 Old South Road and Mansfield Road, Bowral. Applicant: A R Robinson.

OC 195/08

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

THAT development application LUA2008/0475 for a Boundary Adjustment on Lot 1 DP860647 & Lot 20 DP 1001806 at Old South Road, Bowral, be approved.

PASSED

o-EP18	Site Compatibility Certificates pursuant to SEPP SL
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REF:	DEP
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5320

Reporting on site compatibility certificates under the provisions of the State Environmental Planning Policy - Seniors Living.

OC 196/08

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

THAT the information be received and noted.

PASSED

o-EP19 Paintball Operations at Penrose – Review of Operating Conditions

REF: DCM

LUA03/1303

Reporting on the ongoing 2 year review of Paintball operations at the property lot 4 DP 1097100 Penrose Road Penrose.

OC 197/08

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

1. **THAT Council writes to the applicant indicating that the current arrangement and delineation of game areas is acceptable and that should any amendment to games areas be proposed, consultation with Council staff is required**
2. **THAT Council confirms with the applicant that an additional noise report must be undertaken by an alternate member of the Association of Acoustical Consultants Australia and submitted to Council within six months of the date of this report.**
3. **THAT the applicant and objectors be advised that the review specified in condition 38 of the consent is not yet complete and consideration to amend, add or remove conditions of development consent LUA03/1303 will occur following receipt of the new acoustic report.**
4. **THAT Condition 35 remains unchanged to protect local neighbour amenity.**
5. **THAT Council writes to the applicant to advise that he is responsible for ensuring that paintballs remain within this property boundary AND THAT appropriate buffer zones and screening be provided to ensure this.**

PASSED

o-EP20 Proposed extension of hours – Jemmy Moss Hotel, Robertson Inn and The Briars

REF: DCM

PN1703619; PN51000;PN1468500

Reporting further on proposed extension of trading hours.

Interest: Clr M Murray declared a pecuniary interest in this matter as his children's grandparents own a hotel in Bowral and the extension of hours could have an effect on their trade. He left the chamber, took no part in the debate and refrained from voting thereon.

OC 198/08

The Committee on a MOTION moved Clr T D Gair and seconded Clr L A C Whipper
RECOMMENDED:

THAT the trading hours currently in place for the Jemmy Moss Hotel, the Robertson and The Briars remain unchanged.

PASSED

o-EP21 Draft DCP for Moss Vale Enterprise Corridor

REF: SPM

5700/60; 5602/11

The purpose of this report is to resubmit to Council the previous report in relation to the re-exhibition of the Draft Moss Vale Enterprise Corridor.

OC 199/08

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

1. **THAT Council resolves to proceed with the implementation of the new DCP 60 – Moss vale Enterprise Corridor.**
2. **THAT the Development Control Plan as attached be implemented in accordance with the provisions of the Environmental Planning and Assessment Act and Regulation .**
3. **THAT persons who made submissions be advised of Council's decision and thanked for their contribution.**

PASSED

o-EP22 Draft DCP for OLSH site, Bowral

REF: DEP

5700/62

Reporting on the preparation of a draft Development Control Plan (DCP) for the OLSH site, Centennial Road, Bowral.

OC 200/08

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

THAT the draft Development Control Plan for the OLSH site, Centennial Road, Bowral attached to this report, be endorsed for the purpose of public exhibition AND THAT the required public exhibition in accordance with the EPA Regulations commence as soon as possible.

PASSED

CORPORATE SERVICES DIVISION

o-CS5	Outstanding Debt	
REF.	FSM	2216, 2125/2

Council resolved at its meeting held 23 July 2008 – OC 157/08.

1. THAT the information provided in the report be noted.
2. THAT Council seeks further legal advice on pursuing this debt from solicitors who have not given any legal advice to any of the parties involved.
3. THAT Council through its Legal Committee be immediately notified of any outstanding debt in excess of \$5,000 which is in dispute

Council resolved at its meeting held 9 July 2008 (refer page 46):

THAT the report on the Outstanding Debt be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 23 July 2008 AND THAT the matter be considered in Open Council.

Interest: Clrs M Murray, M King, P George and N N Campbell-Jones declared a non-pecuniary interest in this matter it concerns the former manager of their team's election campaign during the last Local Government Elections. They left the chamber, took no part in the debate and refrained from voting thereon.

Interest: Clr P B Tuddenham declared a pecuniary interest in Item o-CS5 Outstanding Debt as the applicant is known to his business. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.

Clr L A C Whipper asked that his General Business Question on 26 April 2007 (in which he requested a report on this matter) be entered into the chronology of events.

OC 201/08

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

1. THAT the information provided in the report be noted.
2. THAT Council reconfirms its resolution of the 28 February 2007 to write off the outstanding debt of \$24,016.22 for CJ Recycling Resources Pty Ltd

PASSED

Dissenting Votes: Clrs L A C Whipper and J Mauget requested that their dissenting votes be recorded in respect of this motion.

o-CS6 Committee Appointments & Resignations

REF: MAS

1071/ 7215/1 7222/1 5445/5.1 7182/1

Reporting on Management Committee Appointments and Resignations.

OC 202/08

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

1. **THAT Council accepts with regret the resignation of Joan Stokes from the Mittagong Community Centre Management Committee and that Mrs Stokes be notified of Council's determination.**
2. **THAT Council accepts with regret the resignation of Mark Simpson and appoints Denise Horvath, Rose Hill, Yvette Manley, Judy Berg, John Toovey, John Horvath, Fred Hill and Anthony Blake to the Welby Hall Management Committee and that Mark Simpson, Denise Horvath, Rose Hill, Yvette Manley, Judy Berg, John Toovey, John Horvath, Fred Hill and Anthony Blake be notified of Council's determination.**
3. **THAT Council appoints Ian Carroll, Margaret Warby, Deb Debenham, Ron Debenham, John Collerson, Tim McCartney, Heather Mori, Toru Mori and Adam Traynor to the Lake Alexandra Management Committee and THAT Ian Carroll, Margaret Warby, Deb Debenham, Ron Debenham, John Collerson, Tim McCartney, Heather Mori, Toru Mori and Adam Traynor be notified of Council's determination.**
4. **THAT Council accepts with regret the resignation of John Holdsworth and appoints Jane Williams, Robyn Betland, Michelle Coates, Brian Ellem, Marie Clarke, Ken Camplin and Barbara Balog to the Loseby Park Youth Centre Management Committee and THAT John Holdsworth, Jane Williams, Robyn Betland, Michelle Coates, Brian Ellem, Marie Clarke, Ken Camplin and Barbara Balog be notified of Council's determination.**
5. **THAT Mittagong Community Centre Management Committee, Welby Hall Management Committee, Lake Alexandra Management Committee, Loseby Park Youth Centre Management Committee be notified of Council's determination.**

PASSED

o-CS7	2007/2008 Works-in-Progress Revotes
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REF.	FSM	2120/2007
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Submitting details on the 2007/2008 works in progress or committed funds revoted to the 2008/2009 financial year.

OC 203/08

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

1. **THAT the 2007/08 Budget revotes as listed on Attachment 1 be carried over and re-voted to 2008/09.**
2. **THAT \$114,000 of the Parks IRS revotes be allocated to Sports fields in 2008/09.**
3. **THAT the \$126,037 for unspent IRP works at James Taunton Drive and Old South Road, Bowral be revoted to 2008/09.**
4. **THAT any further minor adjustments identified as part of year end finalisation be incorporated into the Works in Progress carry overs for 2007/08 and be confirmed at the September quarterly review .**

PASSED

o-CS8	India Mission
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REF:	ETM
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1900

The purpose of this report is to seek approval for the Executive Tourism Manager to participate in the forthcoming Tourism NSW and Tourism Australia Travel Mission to India (ITM) in late September 2008.

OC 204/08

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

1. **THAT Council grants approval for the Executive Manager Tourism to undertake the India Trade Mission in September 2008.**
2. **THAT funding for the India Trade Mission be allocated from within the existing 2008/09 Tourism budget.**

PASSED

COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM2 Weekly Circulars

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

OC 205/08

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

THAT the information relating to Local Government Weekly Circulars Nos 28/08 - 30/08 and Council Weekly Circulars Nos 30/08 - 32/08 be noted.

PASSED

COMMITTEE REPORTS TABLED

c-CR4	Management and Advisory Committee Reports
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REF.	DCS	107/1
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Submitting minutes of two (2) Committee meetings that will be tabled for information.

OC 206/08

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

THAT the information contained in the two (2) committee reports be noted.

PASSED

COMMITTEE REPORTS ATTACHED

c-CR5	Moss Vale Livestock Selling Centre Strategic Advisory Board
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REF	PPM	7170/01
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Submitting minutes of the Moss Vale Livestock Selling Centre Strategic Advisory Board held on Friday, 30 May 2008.

OC 207/08

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

THAT recommendation Nos 1 and 2 as detailed in the minutes of Moss Vale Livestock Selling Centre Strategic Advisory Board held on Friday, 30 May 2008 be adopted.

PASSED

ADDITIONAL MATTERS DEFERRED FROM MEETING ON 23 JULY 2008

o-CS9 Mineral Springs Site – Future Ownership and Use

REF.	DCS	7103/1, 5652/6
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Reporting on proposal to sell the Mineral Springs site to Mittagong RSL Club, for community use. (*This matter was deferred for consideration from the Ordinary Meeting of Council held on Wednesday, 23 July 2008*).

OC 208/08

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

1. **THAT Council consults with the Mittagong RSL Club as to any proposals they may have in relation to the Mineral Springs site.**
2. **THAT any proposal be submitted to Council for consideration AND THAT it forms the basis of the public consultation program.**

PASSED

GENERAL BUSINESS

1. ROUNABOUT IN OLD SOUTH ROAD 7451, RD 1587, RD 3189

Clr T D Gair asked if a report could be furnished to Council as soon as possible on the cost savings of the work undertaken by Council on the Old South Road Roundabout.

The Roads & Traffic Manager advised that he would investigate this matter.

2. BLUE DIRECTIONAL PARKING SIGNS 7415/4

Clr M King stated that she had visited the Sydney suburb of Burwood recently and needed to find parking. The blue directional parking signs had been of great assistance and she asked if Council could liaise with the Chambers of Commerce to investigate erecting them in the Shire.

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

3. PLANNING & ASSESSMENT SEMINAR 5300/3

Clr M King stated that she had attended an excellent Planning & Assessment seminar at Darling Harbour last week which had attracted people from all over Australia and will prepare a detailed report on this seminar for the next Council meeting.

4. VANDALISM AT ALEXANDRA SQUARE 1440/2, 6606/3

Clr M King asked if Council (as the caretaker of Alexandra Square and any improvements thereon) could ensure that the vandalised windows are boarded up as soon as possible. This area was given to the community in trust and we have a duty of care to maintain the Square until a decision is made regarding the appropriate use of this site.

5. AMENDMENTS TO REFERRALS FROM COUNCIL 201/2

Clr M Murray stated that he had notice in some of the papers passed on by Council officers that there are some amendments or reforms in relation to referrals from this Council that may or may not now be necessary or subject to some amendments to the relevant Acts. He asked if Council had made any submissions in relation to those suggested reforms and if it would be a greater impost on this Council if it had to do the work of these agencies

The Director Environment & Planning responded that they had been reviewed and he would provide information on the agencies in the Weekly Circular.

6. HILL TOP SHOOTING COMPLEX 6613/3, PN 1761300

Clr M Murray referred to an email he had sent to the Director Environment & Planning regarding the Hill Top Shooting Complex. He understood that the panel has made a recommendation to the Minister and asked if Council had received a copy of it.

The Director Environment & Planning responded that Council had requested but not received a copy as yet as the Minister has been away.

Clr M Murray asked that Council put pressure on the Minister's office to obtain a copy as soon as possible.

The Director Environment & Planning stated that he would submit a formal request.

7. UPDATE ON DA FOR PAULINE FATHERS MONASTERY AT
HANGING ROCK ROAD, PENROSE PN 660100

Clr N N Campbell-Jones requested an update on the development application for the Pauline Fathers Monastery at Hanging Rock Road, Penrose as Council had received a great deal of criticism about this development on World Youth Day.

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

8. LETTER FROM C PIERSON & C HOSKINS – MAWSON
TERRACE, MOSS VALE LUA07/1270

Clr P Tuddenham referred to a letter he had received from a Mr C Pearson and Ms C Hoskins regarding a development in Mawson Terrace, Moss Vale and asked if Council had responded to this.

The Director Environment & Planning advised that he had sought some information from Mr Pearson which he will now pursue and prepare a response. He stated he would also include information in the Weekly Circular.

9. TENDERS FOR ROUNDABOUT IN OLD SOUTH ROAD

6330/08.6

Clr S Murray referred to the tenders for the roundabout in Old South Road and asked what was the proposed time frame for the contractors who submitted tenders for this work. She stated she had received a great many complaints about this work and asked if Council would do the same sort of roadwork in the same way again. She requested the details on traffic figures for these roads.

The General Manager stated that he believed the issue was the overall cost and not the time frame. He did not believe there were any issues regarding the way the roundabout was constructed.

Clr J Mauger stated that the wet weather had been a significant contributing factor to the length of time it took to construct the roundabout.

The Roads & Traffic Manager stated that Council had received many calls concerning the closure which was to ensure the safety of the workers.

10. OVERHEAD RAIL BRIDGE AT BOWRAL STATION

7430/37

Clr L A C Whipper referred to the overhead rail bridge at Bowral station and stated there were concerns about the condition of the road and as it is apparently State Rail's responsibility he suggested that Council make representations to State Rail.

The Roads & Traffic Manager responded that an email had been sent to Railcorp today asking them to rectify this but he believed Council's tar patching crew had now filled the potholes.

11. BERRIMA CAMPING GROUND

6526/15

Clr L A C Whipper asked for feedback regarding the Berrima Camping Ground Plan of Management.

The General Manager responded that regular updates had been given in the Weekly Circular on the camping ground. The Assistant Property Officer had been diligent in reporting on this matter every 6 weeks and he referred Clr Whipper to page 11 of Council Weekly Circular No. 32 of 11 August 2008.

12. BEER GARDEN AT ROYAL HOTEL PN 197300

Interest: Clr M Murray declared a pecuniary interest in this matter as his children's grandparents are the hotel's owners. He left the chamber, took no part in the discussions and refrained from voting thereon.

Clr L A C Whipper raised the issue of the legality of the beer garden at the Royal Hotel.

The Director Environment & Planning responded that Council is making progress in assessing an outcome and will provide an update in the Weekly Circular.

13. FOOTPATH PLANTINGS – FERNDALE & OLD WINGELLO ROADS,
BUNDANOON 7810/5

Clr J Clark asked if Council could contact the owners of the property at the intersection of Ferndale Road and Old Wingello Road (northern side No. 181) and request that a clear passage for pedestrians be left for current use and future footpath construction due to the danger of pedestrians currently needing to walk on the road.

The Roads & Traffic Manager stated that he would investigate this matter.

14. LEASE OF OLD COUNCIL DEPOT AT BUNDANOON FOR MEN'S SHED
7106, PN279500

Clr J Clark asked when a report would be brought to Council to consider the lease of the old Council Depot at Bundanoon.

The General Manager responded that the Property Officer has been working on this and a report should come to the next Council meeting.

15. PROBLEMS WITH ROAD PATCHING 7810/3

Clr P Yeo stated that he had received complaints regarding the quality of recent road patching repair work. He asked if the machine was working correctly as the potholes are being repaired and reappearing soon after. Is there any other way potholes can be repaired in a more permanent manner?

The Roads & Traffic Manager responded that the process is currently under review and that he would provide details in the Weekly Circular.

NOTICE OF MOTION

c-NM1	32/2008 – Notice of Motion – Council Leased Vehicle
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REF: MAS	100/4 841/5
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Reference: Ordinary Meeting of Council 23 July 2008 MN 310/08. (*This matter was deferred for consideration from the Ordinary Meeting of Council held on Wednesday, 23 July 2008*).

This matter was considered earlier in the meeting (refer OC 168/08).

c-NM2	35/2008 – Notice of Motion – Alexandra Square, Mittagong
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REF: MAS	100/4 6606/3
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Reference: Ordinary Meeting of Council 23 July 2008 MN 311/08. (*This matter was deferred for consideration from the Ordinary Meeting of Council held on Wednesday, 23 July 2008*).

This matter was considered earlier in the meeting (refer OC 169/08).

CORPORATE SERVICES DIVISION

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

At this juncture, the time being 7.24pm, 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.

OC 209/08

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

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-CS1 MOSS VALE CBD CAR PARK – POTENTIAL FUTURE DEVELOPMENT 7472

This matter was considered earlier in the meeting (refer Refer OC 170/08).

.....Cont'd

Cont'd.....

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.

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

PASSED

REPORT OF CORPORATE SERVICES DIVISION

c-CS1	Moss Vale CBD Car Park – Potential Future Development
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REF.	DCS	7472
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Reporting on potential future development - Moss Vale CBD Car Park. (*This matter was deferred for consideration from the Ordinary Meeting of Council held on Wednesday, 23 July 2008*).

This matter was considered earlier in the meeting (refer OC 170/08).

c-CS2	Update on Lehman Brothers Australia
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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 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 G Lewis seconded by Clr P Yeo
RECOMMENDED:

THAT the information provided in relation to WSC V Lehman Brothers Australia be received and noted.

PASSED

CHAIRPERSON

At 7.50pm, being the conclusion of Open Council, the Mayor resumed the chair to conduct the remainder of Council business.

OPEN COUNCIL

107/10

MN 323/08

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

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 324/08

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

THAT the recommendations of the Closed Council held on Wednesday, 13 August 2008 being CS-2 be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

107/10

MN 325/08

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

THAT the recommendations of the Open Council held on Wednesday, 13 August 2008 being OC 168/08 to OC 209/08, be adopted.

PASSED

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.51PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 13 August 2008 numbered MN 317/08 to MN 325/08, were signed by me hereunder at the Council Meeting held on Wednesday, 27 August 2008.

CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 27 AUGUST 2008

CHAIRMAN

PUBLIC OFFICER



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 13 August 2008

