

# MINUTES

## OF THE ORDINARY MEETING OF COUNCIL

*File No. 100/07*



held on Wednesday, 27 August 2008

The meeting commenced at 3.34pm.

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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, Clr M L King, Clr J E Mauger, Clr M J Murray,  
Clr P B Tuddenham, Clr L A C Whipper and Clr P Yeo

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

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**PRAYER**

100/1

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

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**PUBLIC FORUM REQUEST**

Mr David Harvie representing the Pauline Fathers and Brothers requested and was granted permission to address Council on ***Item o-EP5 – Proposed S96(2) Modification to Consent for approved Hall, Museum, Library, Monastery Accommodation and Car Park at Penrose Park, Sutton Forest.***

They Mayor thanked Mr Harvie for his comments which would be taken into account when the matter was discussed later in the meeting.

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**APOLOGY**

PERS

***MN 326/08***

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

***THAT the apologies of Clr N N Campbell-Jones and Clr S H Murray be accepted and leave of absence granted.***

**PASSED**

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**CONFIRMATION OF MINUTES**

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 13  
AUGUST 2008

100/1

**MN 327/08**

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

**THAT** the minutes of the Ordinary Meeting of Council held on Wednesday, 13 August 2008 MN 317/08 to MN 325/08 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

**PASSED**

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**DECLARATIONS OF INTEREST**

101/3

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Cllr T D Gair declared a non-pecuniary interest in Item o-CS3 Closure of Bodycott Lane, Fitzroy Falls and Relocation of Lane as he has a friendship with the applicant that will not impede his decision in this matter. He stated that he would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.

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**MAYORAL MINUTE**

**c-MM1 Achievements and Challenges**

REF. MM 103/3 (cc102/5)

Reflecting on the four and a half years in office of the Council elected in March 2004.

**MN 328/08**

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

1. **THAT** Council's achievements during the past four and a half years be acknowledged,
2. **THAT** Councillors wish the incoming Council the very best.
3. **THAT** a vote of thanks be extended to the outgoing Councillors, Clrs G Lewis, P Yeo, S H Murray, P George and N N Campbell-Jones, for their significant contributions.
4. **THAT** Councillors acknowledge and thank the staff for their valuable assistance and support.

**PASSED**

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**c-MM2 Vandalism**

REF. FSM, MM 1440/2

Reporting on the suggestion to install CCTV cameras in the Bowral CBD and providing an update on the proposed Vandalism Reward Scheme.

**MN 329/08**

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

**THAT** Council provides \$2,630 from the contingency fund as a contribution towards installation of CCTV cameras in the Bowral CBD.

**PASSED**

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**OPEN COUNCIL**

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**MN 330/08**

107/10

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

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

**PASSED**

Cllr J Clark acknowledged the Gundungurra people as the traditional owners of the land on which Council is meeting.

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**OPEN COUNCIL**

**ENVIRONMENT & PLANNING DIVISION**

**o-EP1 Development Consents under Delegated Authority**

REF: DCM 5302

Submitting a list of development consents executed under delegated authority of the Director of Environment and Planning between 4/8/08 and 18/8/08.

**OC 210/08**

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

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

**PASSED**

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

REF: DCM 5302

Submitting a list of development applications which have been received between 4/8/08 and 18/8/08, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

**OC 211/08**

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

**THAT the information regarding the List of Land Use Applications Nos 1-6 received by Council be received and noted.**

**PASSED**

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Cont'd.....

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

1. NEW CAR DEALERSHIP – MINOR ALTERATIONS & DEMOLITION – ARGYLE STREET, MOSS VALE LUA08/0776

Clr L A C Whipper referred to Item 1 and requested more information on this application.

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

2. ESTABLISHMENT OF OLIVE GROVE – “LUBERON” GREENHILLS ROAD, BERRIMA LUA08/0817

Clr L A C Whipper referred to Item 5 and requested more information on this application.

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

3. RETAIL DEVELOPMENT, MAIN STREET, MITTAGONG LUA08/0786

Clr P B Tuddenham referred to Item 2 and requested more information on this application.

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

**o-EP3 S94 Previous Plans Funds Bundanoon**

REF: SPM, FSM

5701/16

Report on the reallocation of remaining Section 94 funds held under previous plans for the renovation of the Bundanoon Soldiers Memorial Hall.

**OC 212/08**

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

1. **THAT Council allows up to \$22,299 of the \$28,799 Pre 1993 Contributions Plans Funds for Bundanoon Community Facilities to be used to finance upgrades to the Bundanoon Memorial Soldiers Hall.**
2. **THAT the remaining \$6,500 of the \$28,799 Pre 1993 Contributions Plans Funds for Bundanoon Community Facilities go towards paying off the \$6,500 owed by the BCA to Council for works already undertaken on upgrading the hall.**
3. **THAT the Bundanoon Community Association Inc be advised of Council's decision.**

**PASSED**

<b>o-EP4</b>	<b>Rezoning of South West Yerrinbool to a Proposed Rural Smallholdings Area</b>
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REF: SPM, DEP, DCS
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5602/6.1
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The purpose of this report is to seek a resolution of Council to proceed to Part 2 of Council's resolution of 27 September 2006 based on support for the preparation of a draft LEP to rezone the area known as South West Yerrinbool from rural to rural residential to permit dwelling construction.

The recommendation of this report is to resolve to distribute the brief prepared for consultants to address the issues of Threatened Species, Heritage and Bushfire Threat identified by the Department of Planning and other state government agencies.

**OC 213/08**

The Committee on a MOTION moved Clr G Lewis and seconded Clr P George  
**RECOMMENDED:**

1. **THAT Council proceeds to obtain Expressions of Interest from appropriate planning consultants to carry out the necessary reports for Threatened Species, Heritage and Bushfire Threat for the land at South West Yerrinbool.**
2. **THAT Council only proceeds to appoint an appropriate consultant once the full costs of the studies have been collected from the landowners.**
3. **THAT all landowners be notified of Council's resolution including the preferred payment model of 31 cents per square metre of land owned for those owners who have agreed to fund the necessary studies with the possibility of a reduced rate if more landowners decide to contribute.**
4. **THAT the Director Corporate Services and Director Environment & Planning investigate ways in which Council can ensure that all landowners contribute to the costs.**

**PASSED**

**o-EP5 Proposed S96(2) Modification to consent for approved Hall, Museum, Library, Monastery Accommodation and Car Park at Penrose Park, Sutton Forest**

REF: DCM

LUA06/1037

Reporting on a S96(2) Application for modification to Council's approval for a hall, Museum, Library, Monastery Accommodation and Car Park at Lot 9 DP 241054 Hume Highway, Sutton Forest

**OC 214/08**

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

**THAT the Proposed S96(2) Modification to LUA06/1037 for approved Hall, Museum, Library, Monastery Accommodation and Car Park at Penrose Park, Sutton Forest be deferred to the next Ordinary Meeting of Council to allow for discussions between the applicant, Councillors and staff AND THAT the Sydney Catchment Authority be invited to participate in the discussions.**

**PASSED**

**o-EP6 Renwick**

REF: DEP

LUA07/0946; 2605-11; PF1517

Reporting on previous resolution of Council in relation to Renwick.

**OC 215/08**

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

**THAT no further action be taken in regard to extending protection of the woodland or altering the agreed width of the reservation of the main spine road through the Renwick site.**

**PASSED**

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**CORPORATE SERVICES DIVISION**

<b>o-CS1 Bundanoon Highland Gathering</b>
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REF.	FSM, PPM	2125/2, 1671/3
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Reporting on a request by the Bundanoon Highland Gathering to waive fees for hire of Bundanoon Oval.

**OC 216/08**

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

**THAT Council donates back to the Bundanoon Highland Gathering the fee for the hire of the Bundanoon Oval in the sum of \$555.00 from the Contingency Vote for the purpose of the Bundanoon Highland Gathering.**

**PASSED**

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**o-CS2 Proposed Lease of Former Bundanoon Works Depot, Burgess Street, Bundanoon**

REF. PO 7106; PN 279500

Reporting on outcome of negotiations with interested parties relating to a proposed lease of the former Bundanoon Works Depot

**OC 217/08**

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

1. **THAT the offer of a joint Licence Agreement be made in writing to Anglicare, Bundanoon Highland Gathering, Bundanoon Community Association and Bundanoon Men's Shed Committee.**
2. **THAT the term of the licence be for an initial period of three (3) years with an option of a further two (2) years.**
3. **THAT the rental be \$1.00 per annum, if demanded.**
4. **THAT all outgoings for the property during the term of the licence be paid by the Licensees in equal shares.**
5. **THAT the licensees have, and maintain as current, public liability insurance in the sum of Ten Million Dollars (\$10,000,000.00) noting the interest of Wingecarribee Shire Council in respect of the shed.**
6. **THAT the offer of the Licence Agreement only formally be made following the lodgement of a Land Use Application and Development Consent being given by Council AND THAT should the application be successful a Licence Agreement be executed under the Common Seal of Council.**

**PASSED**

**o-CS3 Request for Closure of Bodycott Lane, Fitzroy Falls and Relocation of Lane**

REF. PO PN1750800; PN 1750810

Reporting on request to relocate Boycott Lane, Fitzroy Falls, by owners of property adjacent (being Lot 1 Deposited Plan 829931).

**OC 218/08**

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

1. **THAT Council approves, in principle, the closure of Bodycott Lane, Fitzroy Falls, adjacent to Lot 1 Deposited Plan 829931, subject to the following:**
  - a. **the applicant agreeing to meet all costs associated with such road closure and relocation;**
  - b. **the approval of the Roads and Traffic Authority is required;**
  - c. **the original access point will need to be fenced by the applicant at their cost and expense;**
  - d. **all signage will need to be relocated and approval for a Give Way sign and markings shall be sought through the Traffic Committee.**
  - e. **the relocation of the road and subsequent boundary adjustment does not result in any additional dwelling entitlement accruing to the applicant's property.**
  - f. **once the original road is closed, the area between that and the new road is consolidated into a single lot with Lot 1 DP 829931.**
2. **THAT this matter be brought back to a future Ordinary Meeting of Council following receipt of Roads and Traffic Authority approval.**

**PASSED**

**o-CS4 Proposed Lease of Public Golf Course, Centennial Road, Bowral**

REF. PO 6612/1.1, PN 215900

Reporting on the outcome of the public exhibition of the draft Lease of the Public Golf Course, Centennial Road, Bowral, to Bowral Country Living Pty Ltd.

The General Manager advised that Council had received over 200 submissions in favour of the lease of the Public Golf Course, Centennial Road, Bowral.

**OC 219/08**

The Committee on a MOTION moved Clr M Murray and seconded Clr G Lewis  
**RECOMMENDED:**

1. **THAT it be noted over 170 submissions were received from the public in favour of the Lease of the Public Golf Course, Centennial Road, Bowral to Bowral Country Living Pty Ltd for a term of twenty one (21) years on the terms and conditions set out in the draft Lease.**
2. **THAT it be noted that one (1) formal objection was received opposing the lease of the Public Golf Course, Centennial Road Bowral to Bowral Country Living Pty Ltd.**
3. **THAT, as a result of the objection received, the draft Lease and all submissions will be forwarded to the Minister for Local Government for consideration, pursuant to Section 47 of the Local Government Act 1993.**

**PASSED**

**o-CS5 Committee Appointments & Resignations**

REF: MAS 107/1 6534/2.2 7215/1 6536/1.1 6550/2.1 7217/1 7205/1 7226/4 6542/1.1

Reporting on Management Committee Appointments and Resignations.

OC 220/08

The Committee on a MOTION moved Clr P Yeo and seconded Clr G Lewis  
**RECOMMENDED:**

1. **THAT Council accepts with regret the resignation of Chris Karykides and appoints Gary Robertson, Naomi Guy, Robyn Sandor, John Georgantas, Jenny Quist and Karen Revitt-Hannan to the Jurd Park Management Committee and that Chris Karykides, Gary Robertson, Naomi Guy, Robyn Sandor, John Georgantas, Jenny Quist and Karen Revitt-Hannan be notified of Council's determination.**
2. **THAT Council accepts with regret the resignation of Pastor Eric Coulter and appoints Shonagh Moore, Linda Falls, Annette Hinde, John Kirkby, Nancy Huffadine and Wendy Selman to the Mittagong Community Centre Management Committee and that Pastor Eric Coulter, Nancy Huffadine, Shonagh Moore, Linda Falls, Annette Hinde, John Kirkby and Wendy Selman be notified of Council's determination.**
3. **THAT Council accepts with regret the resignation of Fred Darling and appoints Syd Smith, Lloyd Bruce, Jane Callander, Melanie McGrane, Pam Cooper, John Marks, Tas Smethurst, Lucia Bainat, Murray Loane and Margaret Smith to the Exeter Park Management Committee and that Fred Darling, Syd Smith, Lloyd Bruce, Jane Callander, Melanie McGrane, Pam Cooper, John Marks, Lucia Bainat, Tas Smethurst, Murray Loane and Margaret Smith be notified of Council's determination.**
4. **THAT Council accepts with regret the resignation of Julia Gilroy and appoints Robert Handley, Pip Hammond, Jill Keft, Cheryl Pearse, Helen Tranter, Denis Wilson and Anna Keft to the Hampden Park Management Committee and that Julia Gilroy, Robert Handley, Pip Hammond, Jill Keft, Cheryl Pearse, Helen Tranter, Denis Wilson and Anna Keft be notified of Council's determination.**
5. **THAT Council accepts with regret the resignation of Russell Leith, Michele Ward, Elizabeth Leith, Sue McGrath and Bryan Leith and appoints Terry Manning, James Baldwin, Eric Woods, Alison Baldwin, Geoff Hanratty, Margo Carlon, Natalie Woods and Trish Manning to the New Berrima Community Centre Management Committee and that Russell Leith, Michele Ward, Elizabeth Leith, Sue McGrath, Bryan Leith, Terry Manning, James Baldwin, Eric Woods, Alison Baldwin, Geoff Hanratty, Margo Carlon, Natalie Woods and Trish Manning be notified of Council's determination.**

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6. **THAT Council accepts with regret the resignation of Tanya Springall and appoints Robert Payne, Joan Compagnoni, Jill Keft, Pamela Payne, Heather Alcorn, Avril Goldsack, Paul Lewis, Fran Parrot, Ian Roxby, Helen Trantor and Jane Wilson to the Robertson Community Centre Management Committee and that Tanya Springall, Robert Payne, Joan Compagnoni, Jill Keft, Pamela Payne, Heather Alcorn, Avril Goldsack, Paul Lewis, Fran Parrot, Ian Roxby, Helen Trantor and Jane Wilson be notified of Council's determination.**
7. **THAT Council appoints Jennifer Stewart, Gwen Attreed, Wendy Quigg, Lynda Rough, Hayley Defina and Noelene Ryan to the Canyonleigh Community Hall Management Committee and that Jennifer Stewart, Gwen Attreed, Wendy Quigg, Lynda Rough, Hayley Defina and Noelene Ryan be notified of Council's determination.**
8. **THAT Council appoints Roma Dix, Dennis Purcell, Penny Josephson, Leonie Knapman, Anne Thomson, Robyn Miller and John D'Arcy to the Mittagong Memorial Hall Management Committee and that Roma Dix, Dennis Purcell, Penny Josephson, Leonie Knapman, Anne Thomson, Robyn Miller and John D'Arcy be notified of Council's determination.**
9. **THAT Council accepts with regret the resignation of Geoff Good, Craig Whatman and Steven Whatman and appoints Margaret Whatman, Boyd Thurgate, Tony Donnelley, Brita Benjamin, David Thompson, Phillip Eccleston, Lin Keft, Geoff Menzies, Cedric Schofield, Ashley Stoyles, Brad Stoyles, Peter Whatman and Ray Whatman to the Tourist Road Oval Management Committee and that Geoff Good, David Thompson, Craig Whatman, Steven Whatman, Margaret Whatman, Boyd Thurgate, Tony Donnelley, Brita Benjamin, Phillip Eccleston, Lin Keft, Geoff Menzies, Cedric Schofield, Ashley Stoyles, Brad Stoyles, Peter Whatman and Ray Whatman be notified of Council's determination.**
10. **THAT Jurd Park Management Committee, Mittagong Community Centre Management Committee, Exeter Park Management Committee, Hampden Park Management Committee, New Berrima Community Centre Management Committee, Robertson Community Centre Management Committee, Canyonleigh Community Hall Management Committee, Mittagong Memorial Hall Management Committee and Tourist Road Oval Management Committee be notified of Council's determination.**

**PASSED**

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<b>o-CS6</b>	<b>Proposed Reclassification of Land Dedicated under Section 94 of the Environmental Planning and Assessment Act 1979</b>
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REF.	PO, SPM	7122
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Reporting on outcome of public notice of proposal to reclassify Lot 20 DP272491 Stanley Terrace Moss Vale and Lot 2 DP263656 Cherry Tree Close, Moss Vale, both public reserves, from "Community Land" to "Operational Land"

**OC 221/08**

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

1. **THAT Lot 20 DP262491 Public Reserve, Stanley Terrace, Moss Vale is confirmed as unsuitable for the provision, extension or augmentation of public amenities and services due to the unsuitable location and difficulty of providing public access.**
2. **THAT Council rezones Lot 20 DP262491 Public Reserve, Stanley Terrace, Moss Vale from 6(a) Open Space to a residential zoning consistent with adjoining land AND THAT the land be reclassified as Operational Land.**
3. **THAT Lot 2 DP263656 Public Reserve, Cherry Tree Close, Moss Vale is confirmed as unsuitable for the provision, extension or augmentation of public amenities and services due to the unsuitable shape and location of the land.**
4. **THAT Council reclassifies Lot 2 DP263656 Public Reserve, Cherry Tree Close, Moss Vale as Operational Land.**

**PASSED**

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

<b>o-CS7      Technology One Conference</b>
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REF.      ISM	1709/1
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Reporting on a request for a staff member to attend an interstate conference.

**OC 222/08**

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

**THAT Council approves the attendance of the Information Services Team Leader at  
the 2009 Technology One Conference in Brisbane 24-27 February 2009.**

**PASSED**

## TECHNICAL SERVICES DIVISION

<b>o-TS1</b>	<b>“Veg Futures” Conference – Toowoomba</b>
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REF:	PPM	6800, 5453/1
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Request for Council’s Natural Resources Supervisor and Bushland Project Officer to attend the “Veg Futures 2008” Conference to be held in Toowoomba from 20 to 23<sup>rd</sup> October 2008.

### **OC 223/08**

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

1. **THAT approval be given for Council’s Natural Resources Supervisor and Council’s Bushland Project Officer to attend the “Veg Futures” Conference to be held in Toowoomba from 20 to 23 October 2008;**
2. **THAT the attendance at the Conference be funded from the 2008/09 Bushcare Budget;**
3. **THAT the officers attending the conference be asked to provide a report or presentation to the Environment Committee.**

### **PASSED**

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## CHAIRPERSON

At 5.05pm, being the conclusion of Open Council, the Mayor resumed the chair to conduct the remainder of Council business.

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<b>o-TS2 Moss Vale Livestock Selling Centre</b>
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REF: PPM
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7170
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The purpose of the report is to submit the Moss Vale Livestock Selling Centre 2007/08 Annual Report to Council.

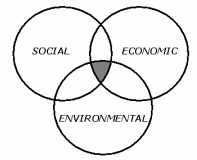
***MN 331/08***

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

- THAT Council notes the contents of the Annual Report;***
- THAT Council thanks the members of the Moss Vale Livestock Selling Centre (MVLSC) for their contribution during 2007/08;***
- THAT a letter of thanks be sent to the Community Members of the MVLSC (namely Mr Peter Bray, Mr Geoffrey James and Mr Anthony Guinness) for their hard work on the Committee,***

***PASSED***

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**o-TS3 Swimming Pools – Staffing Requirements for 2008/09 Season**

REF: PPM, FSM

6700, 6701/3

Reporting on concerns regarding the operation of the Swimming Centres in 2008/09.

**MN 332/08**

**MOTION** moved by Clr P Yeo and seconded by Clr P George:

1. **THAT** staffing levels be reviewed following the new advertising campaign;
2. **THAT** subject to recommendation 1, Council be aware that there may be additional budgetary impacts for the following activities :
  - a) Allow for extensive overtime (\$45,000)
  - b) Additional training (\$40,000)
  - c) Additional advertising (\$5,000)
  - d) Employment costs – Technical Officer – up to \$40,000
3. **THAT** Council notes the budget implication and the possibility of pool closures during the season should suitable and competent staff not be available;
4. **THAT** Council employs a temporary Technical officer to assist with water quality and plant operation for the duration of the 2008/09 swimming season;
5. **THAT** on the availability of statistics at the end of the 2008/09 swimming season Council investigates the feasibility of contracting out pool staffing for 2009/10 swimming season;
6. **THAT** funding options for these additional costs be considered at quarterly reviews.

**PASSED**

**COUNCIL MATTERS**

**GENERAL MANAGER'S REPORTS**

**c-GM1 General Manager's Quarterly Report**

REF.	GM	506/1
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Submitting the General Manager's Quarterly Report to 30 June 2008.

**MN 333/08**

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

**THAT** the information in respect of the General Manager's Quarterly Report to 30 June 2008 be received and noted.

**PASSED**

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**c-GM21 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 334/08**

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

**THAT** the information relating to Local Government Weekly Circulars Nos 31/08 - 32/08 and Council Weekly Circulars Nos 33/08 - 34/08 be noted.

**PASSED**

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Cont'd

**Matters Arising from Weekly Circulars**

1. ROYAL HOTEL, BOWRAL

LUA08/0089

**Interest:** Clr M Murray declared a Pecuniary Interest in this matter as the hotel is owned by his children's grandfather. He left the chamber, took no part in the debate and refrained from voting thereon.

Clr L A C Whipper referred to Item No. 4 on page 8 of Council Weekly Circular No. 34/08 and asked that as the beer garden was an illegal development where would Council go from here.

The Director Environment & Planning responded that he expected an application needed to be lodged with Council for the use of the area previously shown as car parking/loading to be used as a "beer garden" and Council would have to take the application on its merits.

Clr Whipper asked if it was possible to issue some sort of direction through Council to cease the use of that area pending further application as it is an illegal use.

***MN 335/08***

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

***THAT the matter concerning the "beer garden" at the Royal Hotel, Bowral be included in the Agenda for the next Legal Committee Meeting to be held on Wednesday, 10 September 2008.***

**PASSED**

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**QUESTIONS FROM THE PUBLIC**

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**QUESTIONS FROM THE PUBLIC**

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1. MITTAGONG CREEK (RIVULET) 6500/23, 6527/14.2, 6527/14.1

Mr Terry Oakes-Ash stated that he understood that in July Council had considered the final report as presented by the Director Technical Services. He asked when Council would make a statement and/or issue a press release on the current situation detailing how many properties are flood affected and will not be able to obtain a 149 Certificate.

The Director Technical Services responded that the final report had not yet been considered by Council but an update had been provided on 18 July 2008 and he would summarise this in the form of a public statement.

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2. TRAFFIC CALMING IN MIDDLE ROAD, EXETER RD 2308 7407

Mrs Pam Cooper referred to a request for traffic calming devices in Middle Road, Exeter and requested that Werai Road also be considered for the placement of "calming devices". She also requested that the 90k signage be moved further north past Rockleigh Road as more and more vehicles are abusing the 50k signs and traffic is increasing daily.

The Chair of the Traffic Committee, Clr T D Gair, responded that the speed limit had been brought to Council but was referred to the Roads & Traffic Authority as Council does not have the right to change the speed limits on public roads.

He added that the Road Safety Officer intends to carry out a door knock or letter box drop of Exeter requesting that those who are seen speeding are reported to the police and suggested that Werai Road could possibly be included for traffic calming devices.

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3. AUSTRALIAN LIFESTYLE CORPORATION PTY LTD  
"CAPERNWRAY", MOSS VALE ROAD, BURRADOO 502/63, LUA06/1457

Mrs Jan Hainke referred to Item 6 on page 74 of the Legal Committee minutes and noted that "*judgement was reserved*". She asked what this meant.

Clr M Murray explained that after hearing the evidence the judge then reviews it and undertakes to provide a written judgement at some time in the future. At the moment the judge has decided that he will advise the parties and appoint a day to formally hand down his decision.

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**QUESTIONS FROM THE PUBLIC**

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4. LEHMAN BROTHERS INVESTMENTS 2104, 107/9

Mr Peter Smyth asked the General Manager if he had managed to reply to his question from the previous meeting that was taken on notice. If so he had not received a reply.

The General Manager responded that Council was currently working on providing a formal response.

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5. VALUATIONS 2104, 107/9

Mr Peter Smyth stated he had heard Clr M Murray comment on the radio this morning that Council did not want its position jeopardised in the court case in relation to this. Mr Smyth asked whether it would be more prudent to print the valuations on the website as “unavailable” rather than offer non-professionally valued amounts.

Clr Murray stated that it was his understanding the values printed are the values given to Council by Lehman Brothers and these were the only valuations currently available to Council.

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6. VOTING PATTERNS 105/6

Mr Peter Smyth referred to the comments made by Clr M King regarding voting patterns earlier in the meeting and asked how these could be accurately reflected when only Councillors seeking recording of their names are printed and not individual voting. He asked if there were records kept internally to substantiate claims of independence in voting.

Clr M King responded that the Local Government Association has now made it mandatory as far as Development Applications were concerned and if Mr Smyth had attended more meetings he would have seen the independence of the votes.

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**OTHER MATTERS**

**QUESTIONS WITH NOTICE**

**c-QWN1 QWN 02/08 – Substantiation of Accusations against Councillors and Staff**

REF. GM 101/2,

**To:** General Manager  
**From:** Clr N N Campbell-Jones  
**Received:** 21 August 2008

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**Subject:** **Substantiation of accusations against Councillors and Staff**

**Question:** 1. Will Councillor Jim Mauger substantiate his accusations against Councillors and staff made to ICAC of over a year ago and the current accusations being made to ICAC.

2. Would Councillor Mauger please give his opinion on how the current specific accusations were the subject of conversation at the sale yards when the only people who should know the details are himself, the General Manager, the Director Corporate Services and ICAC.

***MN 336/08***

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

***THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 10 September 2008 when Clr N N Campbell-Jones is present.***

***PASSED***

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## COMMITTEE REPORTS ATTACHED

<b>c-CR1</b>	<b>Legal Committee</b>
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REF	DEP	107/22
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Submitting minutes of the Legal Committee meeting held on Wednesday, 13 August 2008.

Clr M Murray asked that it be noted that the legal costs for 2007/2008 are now listed as an attachment to the minutes. He stated that the majority of the costs related to three issues – the Bundanoon bore issue, Capernwray and the SEPP 5 development at the Ivy Tudor Motor Inn. These have been extremely expensive and any comments should take into account that Council was, in its view, supporting and protecting the community.

**MN 337/08**

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

**THAT** the recommendations as detailed in the minutes of the Legal Committee meeting held Wednesday, 13 August 2008 be adopted with the exception of Item 12 – Outstanding Debt on page 76 of the business paper.

**PASSED**

1. OUTSTANDING DEBT 2104

Clr T D Gair asked that Item 12 of the Legal Committee minutes (which refers to Item 1 – outstanding debt of \$7,000) be resubmitted to the Legal Committee meeting to be held on Wednesday, 10 September 2008 for further consideration

The Director Corporate Services explained that Item 1 related to an outstanding debt of \$7,000 for weed spraying on a property.

**MN 338/08**

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

**THAT** Number 1 of Item 12 (Outstanding Debt of \$7,000) on page 76 of the Legal Committee minutes be referred back to the next Legal Committee meeting to be held on Wednesday, 10 September 2008 for further consideration.

**PASSED**

**c-CR2 Traffic Committee**

REF	TE	107/6
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Submitting minutes of the Traffic Committee meeting held on Monday, 18 August 2008.

Clr T D Gair referred to Item 8 Clarence Street Parking Precinct (TC 118/08) and asked if the design could be included in the Weekly Circular.

Clr P B Tuddenham requested that the speed limit on exiting Mittagong to get onto the freeway be brought back to level with the Aylmerton intersection as trucks don't have time to speed up to get onto the ramp and the police are now sitting underneath the expressway and booking drivers as they increase their speed to get onto the freeway.

Clr T D Gair stated that when this was introduced there was no Bunnings store there and he believed Council could request the RTA to allow the change in speed on the exit.

**MN 339/08**

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

**THAT** recommendation Nos TC 111/08 to TC 130/08 as detailed in the minutes of the Traffic Committee meeting held Monday, 18 August 2008 be adopted with the exception of TC 113/08 Street Lighting on Old Hume Highway and Solar Powered Lighting

**PASSED**

1. LIGHTING ON THE CORNER OF BESSEMER STREET AND OLD HUME HIGHWAY, MITTAGONG AND SOLAR POWERED LIGHTING TC 113/08 7330/2

Clr P B Tuddenham referred to Item 3 on page 81 and asked if this matter could be treated as a priority as there had nearly been an accident at this location last night involving a child on a bike with no lights.

Clr Gair advised that lighting levels were being given priority. Clr Gair advised that solar power lights could be used where there was no power (the cost would be about \$7,000 plus running costs of \$150 per year). Council could install a solar power light at the corner of Tugalong Road and Canyonleigh Road and other remote areas that needed a street light.

.....Cont'd

Cont'd.....

**MN 340/08**

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

1. **THAT** the information be noted.
2. **THAT** street lighting on Old Hume Highway and solar powered lighting be given priority.

**PASSED**

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**MATTER OF URGENCY**

7470/6

**EMPIRE CINEMA CARPARK**

Clr T D Gair stated that two weeks ago Council had elected to increase the car parking time frame in the Empire Cinema carpark to 3 hours. The cinema owners and Clr Gair had discussed this and it has been agreed that they will come back to Council with suggestions regarding a parking voucher for cinema goers. However, this could take a couple of months to implement and Clr Gair asked that it be treated as a matter of urgency.

**MN 341/08**

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

**THAT** the increase in carparking time limits in the Empire Cinema area be considered as a matter of urgency.

**PASSED**

The Mayor ruled that this be treated as a matter of urgency.

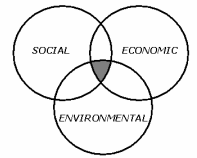
**MN 342/08**

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

**THAT** no action be taken to implement 3 hour parking in the Empire Cinema carpark area until the Empire Cinema carparking strategy is revisited.

**PASSED**

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<b>c-CR3 Moss Vale Livestock Selling Centre Strategic Advisory Committee</b>
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REF	PPM	7170/01
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Submitting minutes of the Moss Vale Livestock Selling Centre Strategic Advisory Committee meeting held on Monday, 18 August 2008.

***MN 343/08***

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

***THAT recommendation Nos 1 to 5 as detailed in the minutes of the Moss Vale Livestock Selling Centre Strategic Advisory Committee meeting held Monday, 18 August 2008 be adopted.***

***PASSED***

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## GENERAL BUSINESS

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1. INSTALLATION OF NEW PARK BENCHES ALONG MITTAGONG RIVULET CYCLEWAY 6527/14.1, 7325

Clr P Yeo referred to the benches that are being installed along the Mittagong Rivulet. Many people have commented that they have been installed facing the wrong way and not facing the obvious view – especially the one installed at the junction of the cycleway and Boolwey Street.

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

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- 2) PARKING AREA SIGNS IN TOWNS 7415/2

Clr P Yeo asked that a report be presented on the possible location of blue standard parking area signs and the costs and possible sources of funding in our towns.

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

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3. CONSULTATION WITH COMMUNITY GROUPS ON THE CONTENT OF BUNDANOON CYCLE/WALKWAY LEAFLET 7830, 1602/4

Clr J Clark stated that Council is to receive RTA funding to assist in the publication of a leaflet on cycle/walkway paths in Bundanoon. He asked if Council could write to the Bundanoon Community Association to arrange a meeting with interested local groups – eg Bundanoon Visitors Group, Highland Fling etc. – to allow input into the contents of the leaflet (refer the Traffic Engineer and Road Safety Officer).

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

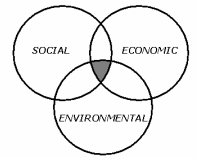
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4. ROAD VERGE ON ROADSIDE NEAR PINKWOOD AVENUE, ROBERTSON 7810/10.1

Clr L A C Whipper stated he had been requesting for some time for repairs to be carried out on the roadside verge near Pinkwood Avenue and the Post Office in Robertson which needs some fill.

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

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5. SPRAYING OF NOXIOUS WEEDS 6930

Clr P B Tuddenham asked for a report on the process for the spraying of noxious weeds. He had received a letter from a landowner who had a program in place that has been ignored.

The General Manager stated he was aware of this matter and suggested that Clr Tuddenham speak to the Parks & Property Manager.

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6. UNEVEN PAVERS IN BONG BONG STREET, BOWRAL OUTSIDE IMB 7810/5,  
RD 8260 1620

Clr P George reported that there were some uneven pavers in Bong Bong Street, Bowral outside the IMB building.

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7. BIG W CARPARK ENTRANCE LUA06/0226

Clr P George asked if Council had ever sent a letter to Big W management regarding the entrance to their carpark and if so what was response.

The Director Environment & Planning responded that Big W has introduced some changes to traffic movement with the carpark and the matter will be going to Traffic Committee to determine whether any further changes are necessary.

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**MATTER OF URGENCY**

8. HILLTOP SHOOTING COMPLEX LUA07/1364

Clr M Murray stated that the panel that was employed by the Minister to prepare a report on the Hill Top Shooting Complex has now completed the report and presented it to the Minister. The Hill Top Action Group has been provided with a report on an alternative site and Clr Murray requested that this be treated as a matter of urgency as the Minister could make his decision at any moment.

***MN 344/08***

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

***THAT the request to the Minister for Planning regarding the Hilltop Shooting Complex be treated as a matter of urgency.***

***PASSED***

The Mayor ruled that the Hill Top Shooting Complex be considered as a Matter of Urgency.

.....Cont'd

Cont'd.....

**MN 345/08**

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

1. **THAT** Council writes to the Minister for Planning and requests that he consider as an alternative to Hilltop Shooting Complex the existing shooting facilities in the Belanglo State Forest as a matter of priority.
2. **THAT** the letter includes the plans presented by HTRAGI and an outline of the key issues previously raised by WSC in relation to the current proposal.

**PASSED**

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**ADDITIONAL MATTER**

9. JOADJA HERITAGE CONSERVATION MANAGEMENT TRUST 5816

Clr M King advised that the Joadja Conservation Management Trust had recently been formed at a meeting held last Friday and that the Director Environment & Planning should be given delegated authority to deal with any modifications of the condition of consent. She requested that this be considered as a matter of urgency.

**MN 346/08**

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

**THAT** the matter of delegated authority to the Director Environment & Planning in relation to the Joadja subdivision be treated as a matter of urgency.

**PASSED**

The Mayor ruled that this be treated as a matter of urgency.

**MN 347/08**

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

1. **THAT** Council gives delegated authority to the Director Environment & Planning to determine any modifications to the conditions of consent for the Joadja subdivision, such modification being for the purpose of conserving Joadja **AND THAT** it be determined in consultation with the Joadja Conservation Management Trust
2. **THAT** the Director Environment & Planning refers matters back to Council which he considers warrant consideration and determination by Council.

**PASSED**

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10. BUNNINGS PLANTINGS ALONG THE OLD HUME HIGHWAY LUA06/0843, 7813/2

Clr P George asked whether Bunnings had met their vegetative screening conditions along the old Hume Highway.

The Director Environment & Planning stated that a letter had been sent to Bunnings suggesting some embellishment of the planting and he would investigate whether they had met the approved plan.

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11. BUNNINGS – SCREENING ALONG AYLMEYTON ROAD 7813/2

Clr T D Gair asked for a costing and plan to be brought to Council outlining the cost of planting appropriate trees to screen the industrial area north of Bunnings (Aylmerton Road to Bunnings).

The General Manager suggested that Council holds an Information Session for the new Council and presents a menu that can be costed and put out to consultation. This could go into the next budget cycle as it is considered to be a \$100,000 proposal.

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12. PEDESTRIAN REFUGE OUTSIDE BOWRAL SWIMMING POOL 7810/5, 7410

Clr T D Gair referred to an issue raised by Clr P George last year regarding a pedestrian refuge outside Bowral swimming pool and advised that an amount of up to \$70,000 has been granted by the Roads & Traffic Authority towards the cost of this work.

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13. MATERIALS FROM BLUE CIRCLE 7950/7, 7920

Clr J Mauger stated it had been reported to him that tests carried out on samples of material from Blue Circle used for road repair work have returned a positive asbestos content. He asked if this was in fact true and what remedial action would be taken to remove any risk to the public.

The Director Technical Services stated that he could not investigate this matter until he receives the results of the tests.

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## CORPORATE SERVICES DIVISION

<b>c-CS1</b>	<b>Closed Council</b>
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To consider moving into Closed Council.

At this juncture, the time being 6.23pm, 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 348/08**

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

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-GM1** **STAFF MATTER**

**DCS, DEP, DTS**

**Relevant Legal Provisions**

***This matter has been placed in Closed Council as it deals with personnel matters concerning particular individuals, under Section 10A(2)(a) of the Local Government Act.***

**Brief Description**

***This report deals with personnel matters.***

**Public Interest**

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

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**c-CS1 TENDER – PROVISION OF INTERNAL AUDIT SERVICES 107/9, 6330/08.9**

**Relevant Legal Provision**

***This report is placed in Closed Committee as it contains commercial information of a confidential nature, under Clause 10A(2)(d) of the Local Government Act.***

**Brief Description**

***Reporting on tenders received for the provision of Internal Audit Services.***

**Public Interest**

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

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**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**

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## GENERAL MANAGERS REPORT

<b>c-CS1</b>	<b>Tender – Provision of Internal Audit Services</b>
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REF.	DCS	107/9, 6330/08.9
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Relevant Legal Provision

*This report is placed in Closed Committee as it contains commercial information of a confidential nature, under Clause 10A(2)(d) of the Local Government Act.*

Brief Description

*Reporting on tenders received for the provision of Internal Audit Services.*

Public Interest

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

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

**THAT Council appoints KPMG to provide internal audit services to Council for a three (3) year period, in accordance with the proposal submitted in their tender of July 2008.**

**PASSED**

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<b>c-CS2</b>	<b>Update on Lehman Brothers Australia</b>
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REF.	DCS	107/9, 2104
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Relevant Legal Provisions

*This report is placed in Closed Committee under Clause 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 B Tuddenham  
**RECOMMENDED:**

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

**PASSED**

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At this juncture all staff retired from the meeting with the exception of the General Manager.

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<b>c-GM1</b>	<b>Staff Matter</b>
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REF.	GM	PERS, PERS, PERS
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Relevant Legal Provisions

*This matter has been placed in Closed Council as it deals with personnel matters concerning particular individuals, under Section 10A(2)(a) of the Local Government Act.*

Brief Description

*This report deals with personnel matters.*

Public Interest

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

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

**THAT Council notes the report on the contractual conditions of the Director Corporate Services, Director Environment & Planning and Director Technical Services.**

**PASSED**

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

**THAT whilst there are some areas for improvement, overall Councillors are very appreciative of the high level of effort provided by the three (3) Directors and their work ethic.**

**PASSED**

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**OPEN COUNCIL**

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**MN 349/08**

107/10

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

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

**PASSED**

No members of the public were present in the Chamber.

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**ADOPTION OF CLOSED COUNCIL**

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**MN 350/08**

107/9

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

**THAT** the recommendations of the Closed Council held on Wednesday, 2008 (Items c-CS1, c-CS2 and c-GM1 be adopted.

**PASSED**

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**ADOPTION OF OPEN COUNCIL**

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**MN 351/08**

107/10

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

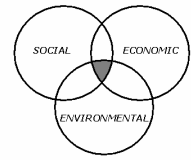
**THAT** the recommendations of the Open Council held on Wednesday, 27 August 2008 being OC 210/08 to OC 223/08, be adopted.

**PASSED**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 27 August 2008  
**CLOSED COUNCIL**



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THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.52PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 27 August 2008 numbered MN 326/08 to MN 351/08, were signed by me hereunder at the Council Meeting held on Wednesday, 10 September 2008.

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CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 10 SEPTEMBER 2008

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CHAIRMAN

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PUBLIC OFFICER



**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 27 August 2008  
**CLOSED COUNCIL**

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