

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/08



held on Wednesday, 25 February 2009

The meeting commenced at 3.30 pm.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 25 February 2009

CONTENTS

CONFIRMATION OF MINUTES	2
VISITOR ITEM	4
ENVIRONMENT & PLANNING DIVISION	4
v-EP1 Alterations & Additions to Sutton Forest Inn	4
v-EP2 Parmenter Court, Respite Care – Concerns and Objections	6
v-EP3 Proposed Subdivision (2 Lots) – Lot 41 DP1045309, Cnr Sally’s Corner and Old Argyle Roads, Exeter	7
OPEN COUNCIL	8
ENVIRONMENT & PLANNING DIVISION	8
o-EP1 Development Consents Determined by way of Approval under Delegated Authority	8
o-EP2 List Of Land Use Applications Received By Council	8
o-EP3 Land Use Applications Determined.....	9
o-EP4 Proposed alterations & additions existing stables & arena, Oxley Hill Road, Bowral.....	10
o-EP5 Draft LEP Amendment - Northern Gateway.....	11
o-EP6 Volunteering Wingecarribee Tenure and Working Party Membership	12
o-EP7 Options for Aboriginal Community Volunteers.....	13
o-EP8 Continuation of the On-Site Sewerage Management (OSSM) Strategy.....	13
CORPORATE SERVICES DIVISION	14
o-CS1 Councillor Development Strategy	14
o-CS2 Committee Appointments and Resignations.....	14
o-CS3 Investments as at 31 January 2009	15
QUESTIONS FROM THE PUBLIC	16
TECHNICAL SERVICES DIVISION	18
o-TS1 Independent Inquiry Urban Water Supply & Sewerage Services for Non-Metropolitan NSW	18
o-TS2 Federal Governments (RLCIP) Regional & Local Community Infrastructure Program 2008/09 Funding Extension	19
QUESTIONS FROM THE PUBLIC	20
COUNCIL MATTERS	21
GENERAL MANAGER’S REPORTS	21
c-GM1 Weekly Circulars	21
c-GM2 General Manager’s Quarterly Report.....	21
OTHER MATTERS	22
QUESTIONS WITH NOTICE	22
c-QWN1 QWN 01/09 – Animals Regulation of Sale Bill	22
COMMITTEE REPORTS TABLED	23
c-CR1 Management and Advisory Committee Reports	23
COMMITTEE REPORTS ATTACHED	23
c-CR2 Minutes of the Legal Committee	23
c-CR3 Finance Sub Committee (Council’s Investments).....	24
c-CR4 Finance & Internal Audit Committee	24



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 25 February 2009

GENERAL BUSINESS	25
CORPORATE SERVICES DIVISION	28
c-CS1 Closed Council	28



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 25 February 2009

COMMENCING AT: 3.30 pm

PRESENT: Cllr T D Gair (Mayor) in the Chair, Cllr K Halstead (Deputy Mayor),
Cllr J G Arkwright, Cllr J R Clark, Cllr J Mauger, Cllr G McLaughlin,
Cllr D Stranger, Cllr P B Tuddenham, Cllr L A C Whipper

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

PRAYER

100/1

The meeting was opened in prayer led by Reverend Steve Clancy, Chaplain Harbison.

APOLOGY

There were no apologies at this meeting.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 25 February 2009

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 11
FEBRUARY 2009

100/1, LUA08/0144

MN 50/09

MOTION moved by Cllr J R Clark and seconded by Cllr D Stranger:

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 11 February 2009 MN 33/09 to MN 49/09 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting, it being noted that in relation to Item v-EP1 Proposed 10 Cluster Houses, Wembley Road, Moss Vale, Cllr Clark was incorrectly recorded as voting for the Motion and confirming his vote against the Motion.

PASSED

BUSINESS ARISING

Nil



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 25 February 2009

DECLARATIONS OF INTEREST

101/3

Clr D Stranger declared a pecuniary interest in Item v-EP1 Alterations & Additions to Sutton Forest Inn, as one of the directors of the Sutton Forest Inn, Mr Richard Field, is a client of 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.

OPEN COUNCIL

MN 51/09

107/10

MOTION moved by *Clr G McLaughlin* and seconded by *Clr L A C Whipper*:

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

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 25 February 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

VISITOR ITEM

ENVIRONMENT & PLANNING DIVISION

Environmental Sustainability

v-EP1 Alterations & Additions to Sutton Forest Inn

REF: DCM

LUA07/1118

Reporting on proposed alterations and additions to the Sutton Forest Inn at Lot 1 DP 64663 Illawarra Highway, Sutton Forest, which is 8.33 hectares in area, and located on the western side of the Illawarra Highway to the north of the Exeter Road / Illawarra Highway intersection.

Interest: Clr D Stranger declared a pecuniary interest in this matter as one of the Directors, Mr Richard Field, is a client of his business. He left the chamber, took no part in the debate and refrained from voting thereon.

Mr Tony Moody from Moody Doyle Pty Ltd addressed Council on behalf of the objectors.

Mr Martin McGrane, the applicant/architect, addressed Council on the matter.

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

1. THAT in an attempt to reduce the bulk and scale of the development to better reflect the established pattern of development and amenity of the village of Sutton Forest, Council seek:
 - (a) a reduction in the bulk of the development (by fully complying with the DCP).
 - (b) removal of the internal laundries from the approval.
 - (c) adjustment to the heights of the building to ensure the ridgeline is measured from the natural ground line.
 - (d) the second storey design be amended to reflect a true attic style, rather than a duplicated copy of the ground floor.
2. THAT upon satisfying these conditions, the application come back to Council for final approval.

Clr L A C Whipper indicated that he would withdraw this motion and would vote in favour of the following motion.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 25 February 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

OC 08/09

The Committee on a **MOTION** moved by Cllr K Halstead and seconded by Cllr T D Gair
RECOMMENDED:

THAT this matter be deferred for consideration to the next Ordinary meeting of Council to be held on Wednesday, 11 March 2009 **AND THAT** an information session for Councillors be held on Wednesday, 4 March 2009, prior to the matter being determined.

PASSED

VOTING ON THE MOTION:

Voting for the Motion:

**Cllr T D Gair, Cllr K Halstead, Cllr J G Arkwright,
Cllr J R Clark, Cllr G McLaughlin, Cllr D Stranger,
Cllr P B Tuddenham and Cllr L A C Whipper**

Voting Against the Motion:

Cllr J Mauger

Dissenting Vote

Cllr J Mauger requested that his dissenting vote be recorded in respect of this motion.



v-EP2 Parmenter Court, Respite Care – Concerns and Objections

REF: DEP

LUA07/1004

Reporting on concerns and objections of neighbours in relation to respite care facility at Parmenter Court, Bowral.

Clr Stranger rejoined the Chamber at this juncture.

Mr Rob Westaway, the objector, was not in attendance at the meeting.

Dr Elias Kyriazis, Board Member of the Disability Trust, addressed Council on behalf of the applicant.

OC 09/09

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

THAT the information be noted.

PASSED

VOTING ON THE MOTION:

Voting for the Motion: Clr T D Gair, Clr K Halstead, Clr J G Arkwright,
Clr J R Clark, Clr G McLaughlin, Clr J Mauger,
Clr D Stranger, Clr P B Tuddenham and
Clr L A C Whipper

Voting Against the Motion: Nil



Environmental Sustainability

v-EP3	Proposed Subdivision (2 Lots) – Lot 41 DP1045309, Cnr Sally’s Corner and Old Argyle Roads, Exeter
-------	--

REF:	DCM
------	-----

LUA06/0603

Reporting on a development application for the subdivision of Lot 41 DP1045309, corner Sally’s Corner and Old Argyle Roads, Exeter. It is proposed to create 2 lots with areas of 51 hectares and 7.8 hectares. The land is in Zone 7(b) and a minimum lot size of 40 hectares applies. As the smaller lot does not satisfy this development standard, the development application is accompanied by an objection under SEPP1.

The applicant has requested consideration under Council’s Severed Lots Policy.

OC 10/09

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

THAT this matter be deferred for consideration to the next Ordinary meeting of Council on Wednesday, 11 March 2009.

PASSED

VOTING ON THE MOTION:

Voting for the Motion: *Clr T D Gair, Clr K Halstead, Clr J G Arkwright,
Clr J R Clark, Clr G McLaughlin, Clr J Mauger,
Clr D Stranger, Clr P B Tuddenham and
Clr L A C Whipper*

Voting Against the Motion: *Nil*



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 25 February 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

Governance and Accountability

o-EP1 Development Consents Determined by way of Approval under Delegated Authority

REF: DCM 5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 2/2/09 and 16/2/09.

OC 11/09

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

THAT the information relating to Development Consent Nos 1-5 under Delegated Authority be received and noted.

PASSED

o-EP2 List Of Land Use Applications Received By Council

REF: DCM 5302

Submitting list of development applications which have been received between 19/1/09 and 2/2/09, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

OC 12/09

The Committee on a **MOTION** moved by Clr P B Tuddenham and seconded by Clr L A C Whipper
RECOMMENDED:

THAT the information regarding the List of Land Use Applications Nos 1-8 received by Council be received and noted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 25 February 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP3 Land Use Applications Determined

REF: DCM

5302

Submitting list of Land Use applications determined by way of approval under delegated authority of the Director of Environment & Planning for the month of February 2009.

OC 13/09

The Committee on a **MOTION** moved by Clr J R Clark and seconded by Clr J Mauger
RECOMMENDED:

THAT the information regarding the List of Land Use Applications Received by Council for the month of February 2009, be received and noted.

PASSED

Environmental Sustainability

o-EP4	Proposed alterations & additions existing stables & arena, Oxley Hill Road, Bowral
--------------	---

REF:	DCM	LUA08/0863
------	-----	------------

Reporting on proposed alterations and additions to existing stables and arena at Lot 1 DP 1009528 Oxley Hill Road, Bowral, for a proposed roof (without external walls) over an existing horse riding arena.

OC 14/09

The Committee on a **MOTION** moved by Clr D Stranger and seconded by Clr L A C Whipper
RECOMMENDED:

THAT LUA08/0863 for proposed alterations and additions to existing stables and arena at Lot 1 DP1009528 Oxley Hill Road, Bowral be approved subject to appropriate conditions of consent to the satisfaction of the Director, Environment and Planning, including the following special conditions:

- i) Landscaping as per approved plan shall be established prior to the completion and occupation of the building.***
- ii) The purpose of the covered roofed arena is to provide all-weather training for horses associated with the agricultural use of the site and is to be used for private purposes only. No shows, public events or riding schools are permitted by this consent.***

PASSED

VOTING ON THE MOTION:

Voting for the Motion:

**Clr T D Gair, Clr K Halstead, Clr J G Arkwright,
Clr J R Clark, Clr G McLaughlin, Clr J Mauger,
Clr D Stranger, Clr P B Tuddenham and
Clr L A C Whipper**

Voting Against the Motion:

Nil



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 25 February 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Lifestyle and Community

o-EP5 Draft LEP Amendment - Northern Gateway

REF: SPM

5807; 5602/7

This report seeks a resolution from Council to proceed with the preparation of a draft Local Environmental Plan aimed to rezone certain lands within the Braemar locality as described within the Northern Gateway Strategy.

OC 15/09

The Committee on a **MOTION** moved by Cllr D Stranger and seconded by Cllr T D Gair
RECOMMENDED:

1. **THAT** Council resolve to proceed with the preparation of a draft local environmental plan, as recommended in the Northern Gateway Strategy report.
2. **THAT** Council notify the department of Planning of its decision in accordance with s.54 of the Environmental Planning and Assessment Act.

PASSED

VOTING ON THE MOTION:

Voting for the Motion:

**Cllr T D Gair, Cllr K Halstead, Cllr J G Arkwright,
Cllr J R Clark, Cllr G McLaughlin, Cllr J Mauger,
Cllr D Stranger, Cllr P B Tuddenham and
Cllr L A C Whipper**

Voting Against the Motion:

Nil

CHAIRPERSON

At this juncture, the time being 5.20 pm, the Mayor Cllr T D Gair resumed the Chair to conduct the remainder of Council Business.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 25 February 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP6	Volunteering Wingecarribee Tenure and Working Party Membership
--------------	---

REF:	SPM
------	-----

1801/2; 1800/17

The purpose of this report is to request that Council provide further temporary tenure for Volunteering Wingecarribee in current premises at 569 Argyle St, Moss Vale.

MN 52/09

MOTION moved by Cllr L A C Whipper and seconded by Cllr G McLaughlin:

1. **THAT Council allows Volunteering Wingecarribee a further period of tenure at 596 Argyle Street, Moss Vale to allow the offices in the Moss Vale Senior Citizens and Community Centre to be readied for occupation, but with such tenure not to extend past 31 December 2009.**
2. **THAT Council apply annual Consumer Price Indexation (CPI) to the Shire donation of \$12,000 to Volunteering Wingecarribee commencing in 2009/2010.**
3. **THAT Council endorse Volunteering Wingecarribee as a member organisation of the Wingecarribee Community Services Consultative Working Group, to represent Shire volunteers.**

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 25 February 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP7 Options for Aboriginal Community Volunteers

REF: SPM

1826/4

Reporting on the Council resolution of 12 November 2008 (MN 409/08) regarding options to provide a meeting place to accommodate Aboriginal community volunteers.

MN 53/09

MOTION moved by Clr L A C Whipper and seconded by Clr P B Tuddenham:

1. **THAT** Council accept in principle the offer of a 3-6 month Temporary license for the former Bowral Court House from the Attorney General's Department to provide office/meeting rooms to the Aboriginal Community Volunteers Steering Committee of the Wingecarribee Aboriginal Advisory Committee.
2. **THAT** Council requests a further report in May 2009 advising on permanent options for Accommodation of the Aboriginal Cultural Resource Centre/Meeting Place.
3. **THAT** Council investigate the position of purchasing the former Bowral Court House building, subject to Council's budgetary restrictions **AND THAT** potential uses for the building be included in the report.

PASSED

o-EP8 Continuation of the On-Site Sewerage Management (OSSM) Strategy

REF. EHM

5405

Report on the progress of the On-Site Sewerage Management (OSSM) Strategy in order to obtain approval to continue to assign resources to the project.

MN 54/09

MOTION moved by Clr J R Clark and seconded by Clr G McLaughlin:

THAT Council endorse the existing Environmental Protection Officer (OSSM Inspections) position for a further two years.

PASSED



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 25 February 2009

REPORT OF DIRECTOR CORPORATE SERVICES

CORPORATE SERVICES DIVISION

Governance and Accountability

o-CS1 Councillor Development Strategy

REF: MAS, ISM

101/4.2, 101/4.3

Reporting on Correspondence received from the Department of Local Government in regard to the Department's Councillor Information Seminars held at various regional and metropolitan locations between October and December 2008.

MN 55/09

MOTION moved by Clr P B Tuddenham and seconded by Clr J G Arkwright:

THAT the information in relation to the Department of Local Government correspondence dated 27 January 2009 advising of attendance of Wingecarribee Shire Councillors at the Department's Information Seminars (Nowra 23 October 2008) be noted.

PASSED

o-CS2 Committee Appointments and Resignations

REF: MAS

107/1

Reporting on Management Committee Appointments and Resignations.

MN 56/09

MOTION moved by Clr P B Tuddenham and seconded by Clr L A C Whipper:

- THAT Council accepts with regret the resignation of Melanie McGrane from the Exeter Park Management Committee AND THAT Melanie McGrane be notified of Council's determination.**
- THAT Ian Angwin, Robert Boag and Barbara Boag be appointed to the Wingello Mechanics Institute Hall Management Committee AND THAT Ian Angwin, Robert Boag and Barbara Boag be notified of Council's determination.**
- THAT Council accepts with regret the resignation of Jose Meinderink from the Penrose Hall and Recreation Management Committee AND THAT Jose Meinderink be notified of Council's determination.**
- THAT the Exeter Park Management Committee, Wingello Mechanics Institute Hall Management Committee and Penrose Hall and Recreation Reserve Management Committee be notified of Council's determination.**

PASSED



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 25 February 2009

REPORT OF DIRECTOR CORPORATE SERVICES

o-CS3 Investments as at 31 January 2009
--

REF:	FSM	2104
------	-----	------

Submitting details of Council's Investments as at 31 January 2009.

The Director Corporate Services advised Council that the values shown against the four (4) Lehman (arranged CDO's) were not mark to market prices, but indicated accrued interest due only. The Director Corporate Services advised that no pricing was available on these CDO's as they were likely to be unwound in the near future, although there was currently a legal battle in the United States between the CDO note holders and the Administrator of Lehman Brothers Holdings, regarding who would receive the capital if these CDO's were unwound.

MN 57/09

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

THAT *the information on Council's Investments as at 31 January 2009 be received and noted.*

PASSED

QUESTIONS FROM THE PUBLIC

1. DCP FOR EXETER

5700/54

Ms Jo Wright asked the following questions:

1. Why has Council approved a development at Lot 11 Yarwood Drive, Exeter, which does not meet the criteria of “2 storey” as set out in the DCP, and where the height from the lowest ground point to the eaves is in excess of 5 metres, at its highest point is in excess of 6 metres, with a total overall height ground to top of the roof of 8.4 metres – reduced from 8.7 metres at Council’s request?

2. If this development is allowed to proceed, how will Council be in a position to fend off further concession requests to the DCP from other developers, particularly with respect to not only “Vine Lodge” and the “Exeter Quarry” but also “The Hill” subdivision on Middle Road, Exeter?

Ms Wright indicated that she had corresponded with Council on the matter but had not received a response. She had also lodged an objection to the development.

The Director Environment & Planning advised that he will investigate the matter and liaise directly with Ms Wright with a written response.

2. “CAPERNWRAY” DEVELOPMENT

502/63, LUA06/1457

Mrs Pam Cooper referred to Page 101 of the Agenda and the matter of “Capernway” and asked whether, as no appeal has been lodged in the Court of Appeal by “Capernway”, this implies that “Capernway” is now “dead in the water”, or is the developer just biding its time?

The Director Environment & Planning advised that there is no current action on the site and no applications before Council at this time but that does not mean that an application will not be received at some future time.

3. PROPOSED GOULBURN PIPELINE

7790/20

Mrs Pam Cooper referred to a recent meeting held in Goulburn in regard to the proposed pipeline to the Wingecarribee Water Supply, and asked whether there had been a decision on this matter?

The General Manager responded noting that he had received advice from Goulburn Mulwaree Council that the matter may still be under consideration, although a rescission motion could be received by the General Manager of the Goulburn Mulwaree Council.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 25 February 2009

QUESTIONS FROM THE PUBLIC

4. BOWRAL FLOOD STUDY

8100/4

Mr Terry Oakes Ash requested information about the Bowral Flood Plain Study (noting that he had previously asked about this matter on 4 occasions), and asked when will the Flood Plain Study, which includes the Mittagong Rivulet, be tabled before Council? Mr Oakes-Ash advised that there were many concerned residents awaiting this report to find out how the flood levels affect them and the value of their properties, and what is the possibility of Council compensation?

The Director Technical Services advised that the good news is that there will be a lot less properties with a notification on them due to the terminology that the State Government has adopted. The Flood Study is now ready to be presented to Councillors and an information session has been scheduled for Councillors in April and that following the information session a report will come before Council, which will most likely be in May.



TECHNICAL SERVICES DIVISION

Environment & Sustainability

o-TS1	Independent Inquiry Urban Water Supply & Sewerage Services for Non-Metropolitan NSW
--------------	--

REF:	WSM	7799
------	-----	------

Reporting on the recommendations into the Independent Inquiry into Secure and Sustainable Urban Water Supply and Sewerage Services for Non-Metropolitan NSW.

MN 58/09

MOTION moved by Clr P B Tuddenham and seconded by Clr L A C Whipper:

1. **THAT** Council make a submission to the Independent Water Inquiry Report including the following:-
 - (a) ***Wingecarribee Shire Council congratulate and thank the Inquiry Panel and the State Government for conducting the Inquiry in an open and fair manner and genuinely considering the input and concerns of the stake holders.***
 - (b) ***Council concurs with the recommendation of the Inquiry that it remain as a stand alone water utility.***
 - (c) ***The State Government must give an assurance to Council that the recommended stand alone model will not compromise its eligibility for Government's grants under the Country Towns Water Supply & Sewerage Scheme program.***
 - (d) ***The Energy & Water Ombudsman scheme must be trialled for a period of at least one (1) year before mandatory adoption.***
 - (e) ***Additional information on proposed changes to legislation and reporting requirements be provided to Council.***
2. **THAT** acknowledgment be endorsed to Council's water and sewerage staff, lead by Selva Selvaratnam, for the work carried out in relation to this matter.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 25 February 2009

REPORT OF DIRECTOR TECHNICAL SERVICES

Lifestyle & Community

o-TS2	Federal Governments (RLCIP) Regional & Local Community Infrastructure Program 2008/09 Funding Extension
--------------	--

REF:	DTS
------	-----

2151/3, 2151/4

Reporting on the availability of an additional \$500 million for the Federal Governments (RLCIP) Regional & Local Community Infrastructure Program 2008/2009.

MN 59/09

MOTION moved by Cllr P B Tuddenham and seconded by Cllr G McLaughlin:

THAT Council submit an updated application for the construction of a Sustainability, Education, Training & Exhibition Centre (SETEC) at the Wingecarribee Shire Council Resource Recovery Centre.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 25 February 2009

QUESTIONS FROM THE PUBLIC

QUESTIONS FROM THE PUBLIC

1695/4, 6601/1

The Mayor Clr T D Gair advised that he had received a note from Mr Ian Scandrett, who had arrived late for the meeting, and that Mr Scandrett wished to ask a question of the Council. Clr Gair asked if Councillors would allow Mr Scandrett to raise a question from the floor?

Councillors acknowledged in the affirmative and the Mayor advised Mr Scandrett that he would allow the question at this time only and that it will not be a future occurrence.

Mr Ian Scandrett asked Council to record the letter he had forwarded from the Angus Society in relation to the Youth Roundup for next January advising that Wodonga won the right to host the event, with the local area running a close second. Mr Scandrett advised that some of the facilities at the Moss Vale Showground would have to be up-graded and that this (associated with the cost of the up-grade) could not be achieved in time for holding the event. Mr Scandrett thanked the Mayor, General Manager, Councillors and the Saleyards Committee for their support and assistance, and particularly thanked Clrs Jim Mauger and David Stranger who had attended the meeting.

The Mayor thanked Mr Scandrett for his comments.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 25 February 2009

REPORT OF THE GENERAL MANAGER

COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 Weekly Circulars

REF.	GM	100/8, 203/2009
------	----	-----------------

Confirming receipt of weekly circulars from the Local Government Association and Council weekly circulars.

MN 60/09

MOTION moved by Clr J R Clark and seconded by Clr J G Arkwright:

THAT the information relating to Local Government Weekly Circulars Nos 05/09 and 06/09 and Council Weekly Circulars Nos 05/09 and 06/09 be noted.

PASSED

c-GM2 General Manager's Quarterly Report

REF.	GM	506/1
------	----	-------

Submitting the General Manager's Management Plan Quarterly Report to 31 December 2008.

The General Manager, in response to a question raised by Clr K Halstead, addressed Council in relation to the Quarterly Report.

MN 61/09

MOTION moved by Clr P B Tuddenham and seconded by Clr J R Clark:

THAT the information in respect of the General Manager's Quarterly Report to 31 December 2008 be received and noted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 25 February 2009

QUESTIONS WITH NOTICE

OTHER MATTERS

QUESTIONS WITH NOTICE

c-QWN1 QWN 01/09 – Animals Regulation of Sale Bill

REF.	EHM	101/2, 5501/8.4
------	-----	-----------------

Reporting on a Question with Notice raised by Clr L A C Whipper on the Animals (Regulation of Sale) Bill 2008.

A comment to Clr Whipper's question was supplied by the Director of Environment & Planning.

MN 62/09

MOTION moved by Clr L A C Whipper and seconded by Clr D Stranger:

THAT Council write to Premier Nathan Rees requesting that the debate on the Animals (Regulation of Sale) Bill 2008 be brought forward in Parliament as a matter of urgency.

PASSED



COMMITTEE REPORTS TABLED

c-CR1	Management and Advisory Committee Reports
--------------	--

REF.	DCS	107/1
------	-----	-------

Submitting minutes of four (4) Committee meetings that will be tabled for information.

MN 63/09

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

THAT *the information contained in the Committee Reports be noted.*

PASSED

COMMITTEE REPORTS ATTACHED

c-CR2	Minutes of the Legal Committee
--------------	---------------------------------------

REF.	DEP
------	-----

Submitting minutes of the Legal Committee held 11 February 2009.

MN 64/09

MOTION moved by *Clr K Halstead* and seconded by *Clr J G Arkwright*:

THAT *the recommendations as detailed in the minutes of the Legal Committee held 11 February 2009 be adopted.*

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 25 February 2009
COMMITTEE REPORTS

c-CR3	Finance Sub Committee (Council's Investments)
--------------	--

REF	DCS	107/22
-----	-----	--------

Submitting minutes of the Finance Sub Committee (Council's Investments) meeting held on Wednesday, 11 February 2009.

MN 65/09

MOTION moved by Clr T D Gair and seconded by Clr J G Arkwright:

THAT the minutes of the Finance Sub Committee meeting held on Wednesday 11 February 2009 be noted.

PASSED

c-CR4	Finance & Internal Audit Committee
--------------	---

REF	DCS, FSM, DCS - SECRETARY	107/22
-----	---------------------------	--------

Submitting minutes of the Finance & Internal Committee meeting held on Wednesday, 18 February 2009.

MN 66/09

MOTION moved by Clr J G Arkwright and seconded by Clr K Halstead:

THAT recommendations FIA 1/09 TO FIA 7/09 as detailed in the minutes of the Finance & Internal Audit Committee meeting held on Wednesday, 18 February 2009 be adopted, noting that in Recommendation 2 of Item FIA-CS4 on page 110 the amount should be \$500,000 not 4500,000 as printed in the report.

PASSED

GENERAL BUSINESS

1. LAKE ALEXANDRIA 6510, 6545/5

Clr P B Tuddenham asked if Lake Alexandria is a leash-free area for dogs, as he has received complaints from people about dogs chasing ducks and that rangers cannot act as there are no Council signs up, and perhaps signage could be erected advising that it is not a leash-free area.

The Director Environment & Planning advised that he would investigate the matter.

2. KENTUCKY FRIED CHICKEN SIGN AT THE NORTHERN END OF MITTAGONG
5613/2, 5320/64, PN1766240

Clr L A C Whipper asked if the Kentucky Fried Chicken sign on the Mittagong Golf Club land was legal, and whether permission had been granted to remove two pinoak trees from Council land to improve visibility of the sign. He asked if an up-date could be provided in the Weekly Circular.

The Director Environment & Planning advised that the matter is being investigated by Council officers and a report will be placed in the Weekly Circular.

3. MR PLYWOOD SIGN 5613/2, 5320/64

Clr L A C Whipper asked if a large "Mr Plywood" sign on a garage along Old South Road towards the roundabout on Kangaloon Road (opposite Thomson Street) is legal and does it comply with signage code?

The Director Environment & Planning advised that this matter will be investigated and reported in the Weekly Circular.

4. COMMUNITY SERVICES WORKING GROUP 1800/17

Clr J R Clark advised that members of the Community Services Working Group have expressed dissatisfaction with the downgrading of the former Committee to a Working Group. Of particular concern is the lack of reporting of minutes in the Ordinary Council Meeting Agenda, and asked if the upcoming review of Council's Committee structure could address this issue and the status of the Working Group be restored to that of a Committee and minutes be reported to full Council.

The Manager Administration Services advised that he would investigate this matter.

5. METERED STAND PIPES

7790/14

Clr G McLaughlin asked about metered stand pipes within the Shire, noting that he had received a letter (which other Councillor had also probably received) on this issue. Clr McLaughlin asked if there will be an option for operators to have the use of metered stand pipes when operating at some distance from official Council metered water supply?

The Director Technical Services advised that stand pipes are the way that Council has to go in terms of regulating and managing the water supply and that there are issues faced by people who live some distance from the stand pipes with the additional travel and the costs associated therewith. The Director Technical Services advised that Council needs an additional three (3) stand pipes in the shire, one (1) in the south at Bundanoon, one (1) in the east at Robertson and one (1) at Welby to serve some of the western areas, but until Council can get those additional stand pipes in place, some amendments may need to be made to the policy and advised that a report will be brought back to Council on this matter.

6. QUOTATIONS FOR THE DEMOLITION OF THE MITTAGONG BOWLING CLUB

6606/3

Clr J Mauger asked for confirmation that quotes for the demolition of the Mittagong Bowling Club had been sought from certain contractors?

The General Manager advised that in order to understand the magnitude of the costs involved and the scope of the job, Council has sought quotes from contractors so that a decision can be made at the appropriate time about the potential of leaving or demolishing the site.

7. PREFERRED CONTRACTOR LIST

5456/12, 7120/9

Clr J Mauger asked if Council has a list of preferred contractors to get quotes from, especially in view of the fact that the Mittagong Bowling Club contains asbestos, and the problems associated with disposal of asbestos, and what measures are in place to be sure that the contractors that are used are in fact licensed to handle asbestos?

The General Manager advised that Council now ensures that all contractors have the required qualifications and insurances. There are now entirely new processes in place at the Resource Recovery Centre for dealing with asbestos, particularly in relation to the health risk to the community and to Council workers, and the enormous cost associated with contamination issues.

Clr Mauger expressed his concern about contaminated fill that over the years had been used on Council's roads and asked for how long the up-dated processes had been implemented?

The General Manager advised that when Council's staff obtain quotes from contractors, part of the regime is to ensure that insurances and licenses are in place. The road issue was nothing to do with demolition but was a matter of sourcing material inappropriately. That issue was investigated and dealt with separately.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 25 February 2009

GENERAL BUSINESS

8. LIQUOR LICENSING LAWS

5300/14

Clr J G Arkwright commented on changes to State Government liquor licensing laws which are meant to facilitate the opening of small bars often attached to cafes and restaurants, and asked if Council can make enquiries of the relevant State Government Minister in relation to the delays being experienced by local businesses in the Highlands that have lodged their applications but have not received their licences, although these business have installed cellars and equipped bar areas which cannot be utilised.

The Director Environment & Planning advised that there is widespread disappointment with the way in which the new legislation has been rolled out, and that a report will shortly be brought before Council about the way Council assesses the applications. In the meantime enquiries will be made of the Minister's office to ascertain how they intend to improve the situation.

9. LOTS 92, 112, 113 AND 114, DP 24267, SHEAFFE STREET AND PRICE STREET (APEX PARK) BOWRAL

1855/10

Clr K Halstead referred to a recent report of Council that dealt with open space reserves, particularly the land in Sheaffe Street, Bowral, and noted that some years ago there had been a proposal for a building for the community and asked if this was the same Shire & Family Community Centre that Council is proposing in Bessemer Street, Mittagong, or is it something entirely different?

Clr T D Gair advised that is the concept which Council has endorsed, and that Council sought State funding for a scoping study, but this has not been successful. However, Bessemer Street is an area Council identified to take up for the accessible/disability housing to compensate for the Sheaffe Street area and hopefully there is enough land to accommodate both the disability housing and the Shire Family & Community Centre.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 25 February 2009

CORPORATE SERVICES DIVISION

c-CS1	Closed Council
-------	----------------

To consider moving into Closed Council.

It was noted that Council agreed not to consider the Closed Council item c-CS1, the reason being that there was no further information at this time and that the matter was subsequently withdrawn.

ADOPTION OF OPEN COUNCIL

107/10

MN 67/09

MOTION moved by Clr T D Gair seconded by Clr K Halstead:

THAT the recommendations of the Open Council held on Wednesday, 25 February 2009 being OC 08/09 to OC 15/09, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 25 February 2009

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.23 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 25 February 2009 numbered M/N 50/09 to M/N 67/09, were signed by me hereunder at the Council Meeting held on Wednesday, 11 March 2009.

CHAIRMAN

READ AND CONFIRMED THIS 11th DAY OF MARCH 2009

CHAIRMAN

PUBLIC OFFICER