

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/09



held on Wednesday, 11 November 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, 11 November 2009

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held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
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MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 November 2009

COMMENCING AT: 3.30 pm

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

IN ATTENDANCE:

Acting General Manager	Mr Scott Lee
Director Corporate Services	Mr Barry Paull
Director Infrastructure Services	Mr Michael Brearley
Manager Administration & Library Services	Mr Peter Nelson
Administration Officer	Ms Liz Johnson

PRAYER

100/1

The meeting was opened in prayer led by Chaplain Richard Cormick of the Rural Fire Service.

ACKNOWLEDGEMENT OF COUNTRY

1826/4

The Mayor Clr T D Gair acknowledged country:

“We acknowledge the Traditional Owners and Custodians of this Land and we pay respect to the past and present Elders of the Country we are meeting on today.”



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PRESENTATION

The Mayor Clr T D Gair made a presentation, on behalf of Council, to the Acting General Manager, Mr Scott Lee, of a silver shovel in commemoration of the commencement of the construction of the International Cricket Hall of Fame at Bradman Oval, Bowral. The Mayor stated that the shovel, which had been presented to him on 30 October 2009 by the Bradman Foundation, would be dedicated and mounted in the appropriate place within the Council Chambers or Civic Centre.

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
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CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY,
28 OCTOBER 2009

100/1

MN 470/09

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 28 October 2009 MN 453/09 to MN 469/09 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

BUSINESS ARISING

Nil



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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DECLARATIONS OF INTEREST

101/3

Clr David Stranger declared a pecuniary interest in Item o-EP11 – Joint Regional Planning Panel Funding – as he is one of Council's elected members on the Panel. 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 471/09

107/10

MOTION moved by *Clr J G Arkwright* and seconded by *Clr G McLaughlin*:

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

PASSED



OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

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

REF: DBSM 5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 21 October 2009 and 5 November 2009.

OC 168/09

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

THAT the information relating to Development Consent Nos 1 to 15 (Table 1) and 1 to 4 (Table 2) under Delegated Authority, be received and noted.

PASSED

o-EP2 List of Land Use Applications Received by Council

REF: DBSM 5302

Submitting list of development applications which have been received between 21 October 2009 and 5 November 2009, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

OC 169/09

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

THAT the information regarding the List of Land Use Applications Nos 1 - 13 received by Council, be received and noted.

PASSED



Matters Arising from Land Use Applications Received by Council

1. ITEM 2 – NEW SHOPS AND DEMOLITION OF EXISTING, LOT 2 DP 712927
ARGYLE STREET, MOSS VALE LUA09/0964

Clr P B Tuddenham referred to Item 2 and asked for further information in relation to this application.

Council Development & Building Services Manager, Mr Les Pawlak, advised that this was at the top end of Moss Vale where the “Silver Teapot” premises were and the new application was to replace the whole building with a new style of building. He advised that Council had sent a deferral letter to the applicant stating that Council would like to keep the façade of the existing building.

Clr Tuddenham noted that there were problems with this building and asked if the matter could come back to Council for determination, and advised that he was happy to move a motion that way.

OC 170/09

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

THAT Item 2 – New Shops and Demolition of Existing, Lot 2 DP 712927, Argyle Street, Moss Vale (LUA09/0964) be referred to an Ordinary Meeting of Council for determination.

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor’s vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	

.....Cont'd



.....Cont'd

2. ITEM 3 – 7 LOT SUBDIVISION, WAYSIDE HOUSE, 103 BURRADOO ROAD, BURRADOO LUA09/0986

Clr P B Tuddenham asked if this development was in the flood prone area of Burradoo near Holly Street.

Council Development & Building Services Manager, Mr Les Pawlak, advised that this is a recent application which is still being assessed and that it is in that area.

Clr Tuddenham asked if the matter could come back to Council for determination, and advised that he was happy to move a motion that way.

OC 171/09

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

THAT Item 3 – 7 Lot Subdivision, Wayside House, 103 Burradoo Road, Burradoo (LUA09/0986) be referred to an Ordinary Meeting of Council for determination.

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	

.....Cont'd



.....Cont'd

3. ITEM 4 – 6 LOT SUBDIVISION, 16 GLADSTONE ROAD, BOWRAL LUA09/0969

Clr L A C Whipper referred to this item, noting that Gladstone Road is quite a narrow road, and asked if this matter could be brought back to Council for determination. He advised that he was happy to move a motion that way.

OC 172/09

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

THAT Item 4 – 6 Lot Subdivision, 16 Gladstone Road, Bowral (LUA09/0969) be referred to an Ordinary Meeting of Council for determination.

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	

4. ITEM 5 – PARTIAL USE OF HOUSE FOR REAL ESTATE OFFICE – 19 HODDLE STREET, BURRAWANG LUA09/1002

Clr J G Arkwright asked for further details in relation to this proposed development.

The Acting General Manager, Mr Scott Lee, advised that information will be provided in the Weekly Circular.

.....Cont'd

.....Cont'd

5. ITEM 6 – RECEPTION AREA TO EXISTING COMMERCIAL, 445 MOSS VALE ROAD, BOWRAL LUA09/0984

Clr K Halstead asked for further information in relation to this matter.

The Acting General Manager, Mr Scott Lee, advised that information will be provided in the Weekly Circular.

6. ITEM 9 – STAGED DEVELOPMENT FOR TOURIST ACCOMMODATION – LOT 2 DP 814681, GULLIES ROAD, BUNDANOON LUA09/1013

Clr P B Tuddenham asked for further information in relation to this proposed development. He asked if the matter could come back to Council for determination, and advised that he was happy to move a motion that way.

OC 173/09

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

THAT Item 9 – Staged Development for Tourist Accommodation, Lot 2 DP 814681, Gullies Road, Bundanoon (LUA09/1013) be referred to an Ordinary Meeting of Council for determination.

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



MINUTES OF THE ORDINARY MEETING OF COUNCIL
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on Wednesday, 11 November 2009
REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP3 Land Use Applications Determined
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REF: DBSM	5302
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Submitting list of Land Use applications determined by way of approval under delegated authority of the Director of Environment & Planning for the month of October 2009.

OC 174/09

The Committee on a **MOTION** moved by Cllr G McLaughlin and seconded by Cllr P B Tuddenham **RECOMMENDED:**

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

PASSED



o-EP4 Subdivision: Lot 2 DP 7465738, Lot 235 DP 751252 Joadja Road, Joadja and SEPP1 Objection

REF: DBSM

LUA09/0809

Reporting on the subdivision (relocation and enlargement of an existing parcel) between Lot 2 DP 7465738 and Lot 235 DP 751252, Joadja Road, Joadja. The application is accompanied by a SEPP1 Objection.

Council's Development & Building Services Manager, Mr Les Pawlak, addressed Council on this matter.

OC 175/09

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

THAT Council support the development application LUA2009/0809 for the subdivision of Lot 2 DP746573 and Lot 235 DP751252, Joadja Road, Joadja AND THAT authority be delegated to the Director Environment & Planning to seek the concurrence of the Director General, Department of Planning, and to issue a determination in line with the Director General's response.

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



o-EP5 Proposed Subdivision of Bowral Courthouse and Police Station

REF: DBSM

LUA 09/0913, PN 148400

Reporting on an application by the State Property Authority on behalf of the Attorney General's Department (the Crown) for the subdivision of the Bowral Courthouse and Police Station Site.

Council, by resolution of 28 October 2009, requested this application be reported to Council for determination.

Council's Development & Building Services Manager, Mr Les Pawlak, addressed Council on this matter.

OC 176/09

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

1. **THAT LUA09/0913 being the Proposed Subdivision of Bowral Courthouse and Police Station be deferred.**
2. **THAT Council make representations to the State Property Authority raising concerns in relation to the type of fencing to be erected, issues regarding parking, heritage matters and compliance with the Development Control Plan AND THAT the matter be referred to a future Ordinary Meeting of Council for further consideration.**

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger		x
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



o-EP6 Proposed Studio & Machinery Shed, Lot 107 DP 15496 Gibraltar Road, Mittagong

REF: DBSM

LUA09/0710

Reporting on proposed studio and machinery shed at Lot 107 DP 15496 Gibraltar Road, Mittagong.

Council's Development & Building Services Manager, Mr Les Pawlak addressed Council on this matter.

OC 177/09

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

THAT authority be delegated to the Director Environment & Planning to issue development consent for a studio and machinery shed on Lot 107 DP 154976, Gibraltar Road, Mittagong subject to conditions as described in Attachment 1 to the report.

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



o-EP7 Draft Development Control Plan for Bundanoon Township

REF: SPM

5700/67

The purpose of this report is to present to Council a Draft Development Control Plan (DCP) for the Bundanoon Township for endorsement to be placed on public exhibition for comment.

Council's Acting General Manager, Mr Scott Lee, addressed Council on this matter.

OC 178/09

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

THAT the draft Wingecarribee Development Control Plan for Bundanoon Township be endorsed for the purpose of public exhibition AND THAT the required public exhibition be undertaken to the end of February 2010 in accordance with the Environmental Planning and Assessment Regulations.

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



o-EP8 Draft Development Control Plan for Bowral Township

REF: SPM

5700/70

The purpose of this report is to present to Council a Draft Development Control Plan (DCP) for the Bowral Township for endorsement to be placed on public exhibition for comment.

OC 179/09

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

THAT the draft Wingecarribee Development Control Plan for Bowral Township be endorsed for the purpose of public exhibition AND THAT the required public exhibition be undertaken to the end of February 2010 in accordance with the Environmental Planning and Assessment Regulations.

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



o-EP9 Draft Development Control Plan for Mittagong Township

REF: PM

5700/69

The purpose of this report is to present to Council a Draft Development Control Plan (DCP) for the Mittagong Township for endorsement to be placed on public exhibition for comment.

OC 180/09

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

THAT the draft Wingecarribee Development Control Plan for Mittagong Township be endorsed for the purpose of public exhibition AND THAT the required public exhibition be undertaken to the end of February 2010 in accordance with the Environmental Planning and Assessment Regulations.

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



o-EP10 Views and Vistas Scenic Landscape Review

REF: SPM

107/18

The purpose of this report is to seek a resolution from Council to adopt the 'Views and Vistas Scenic Landscape Review', prepared by DEM Consulting and request that Council write to the Department of Planning to consider including the 'Scenic Protection' clause in the Wingecarribee Local Environmental Plan (LEP) 2009.

OC 181/09

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

1. **THAT Council accept the 'Views and Vistas Scenic Landscape Review' report prepared by DEM Consulting, noting the amendment to Condition 3(a) under the heading "Scenic Protection" as follows:**

"3. Despite any other provisions of this Plan, development consent is required for any of the following:

- (a) **the planting of vegetation screens (native or exotic) with a length of fifty (50) metres or greater."**

2. **THAT Council resolve to submit a Planning Proposal to the Department of Planning to proceed with a Draft Local Environmental Plan amendment to regulate the planting of row/screen hedges along roads rated as having a Very High and High view and vista significance.**

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead		x
Clr J Mauger		x
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



o-EP11 Joint Regional Planning Panel Funding

REF: DEP 5300, 5606, 5605

This matter was considered later in the Meeting (refer MN 472/09).

o-EP12 Community Representative – Environment & Sustainability Committee

REF: PPM 107/25

The purpose of the report is to appoint a new community representative on the Environment and Sustainability Committee.

OC 182/09

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

1. **THAT Council appoints Leon Hall as the new Community Representative on the Environment and Sustainability Committee AND THAT Mr Hall be notified of Council's determination.**
2. **THAT Council write to the other applicant thanking them for their application and their contribution to the environment.**

PASSED



o-EP13 Water and Sewer Developer Servicing Plans Charges Refunds

REF: SPM

5701/7, 5701/8

This report discusses the Water and Sewer Developer Servicing Plans Charges to be refunded as a result of the NSW Ombudsman's findings.

Council's Acting General Manager, Mr Scott Lee, addressed Council on this matter.

OC 183/09

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

1. **THAT Council confirm a refund of \$306,896.45 from the Sewer Funds Section 64 contributions and a refund of \$373,898.22 from the Water Funds Section 64 contributions.**
2. **THAT an initial letter be sent to the payee or their representative contact for each of the 124 Development Applications eligible for a refund on paid water and sewer contributions, informing them of Council's decision and of the refund to be expected.**
3. **THAT upon review of Council's Water and Sewer Development Servicing Plans, Council write to the applicants of all consents with unpaid water and sewer contributions informing them of impending price increases.**
4. **THAT Council formerly adopt the condition of consent discussed in the report that requires developers to apply for Compliance Certificates when connecting to Council's Water and Sewer Services.**
5. **THAT Council staff investigate and report back to Council on the cost of reviewing the current Water and Sewer Developer Servicing Plans with the intent of including infrastructure to supply water and sewer services to identified urban land release areas and the Enterprise Zone; and to adjust charges accordingly.**

PASSED



o-EP14 Legal Issues

REF: DEP

107/22

Reporting on legal issues.

Council's Acting General Manager, Mr Scott Lee, addressed Council on this matter.

OC 184/09

*The Committee on a **MOTION** moved by Cllr L A C Whipper and seconded by Cllr G McLaughlin **RECOMMENDED:***

THAT the information be received and noted.

PASSED



CORPORATE SERVICES DIVISION

o-CS1 Transfer of Land from Crown to Council

REF: PO, APO

PN784400

Request that the Common Seal of the Council be affixed to a Real Property dealing form 'Application to Record New Registered Proprietor' to give effect to a conversion of Title from Old System to Torrens Title.

Council's Director Corporate Services, Mr Barry Paull, addressed Council on this matter.

OC 185/09

MOTION moved by Clr T D Gair and seconded by Clr G McLaughlin:

THAT Real Property Dealing 'Application to Record New Registered Proprietor' with respect to Lot 151 Deposited Plan 751259, Lot 1 Deposited Plan 327438, Lots 156 and 157 Deposited Plan 751259 be endorsed AND THAT the Application be executed under the Common Seal of the Council.

PASSED



o-CS2 Committee Appointments and Resignations

REF: MALS 7224/1, 6550/2.1, 7212/1

Reporting on Management Committee Appointments and Resignations.

OC 186/09

The Committee on a **MOTION** moved by Clr G McLaughlin and seconded by Clr J G Arkwright **RECOMMENDED:**

1. **THAT** Lisbeth Henry be appointed to the Yerrinbool Hall Management Committee **AND THAT** Ms Henry be notified of Council's determination.
2. **THAT** Louise Woods and Damien Plain be appointed to the Hampden Park Management Committee **AND THAT** Louise Woods and Damien Plain be notified of Council's determination.
3. **THAT** Council accepts with regret the resignations of Peter Martyn and Darlene Bishop from the Hill Top Community Centre Management Committee **AND THAT** Peter Martyn and Darlene Bishop be notified of Council's determination.
4. **THAT** the Yerrinbool Hall Management Committee, Hampden Park Management Committee and Hill Top Community Centre Management Committee be notified of Council's determination.

PASSED



o-CS3	Delegation of Authority
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REF:	MALS	800/10
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Reporting on request for additional delegations for the position of Environment and Health Clerk.

OC 187/09

The Committee on a **MOTION** moved by Clr K Halstead and seconded by Clr G McLaughlin
RECOMMENDED:

THAT the Environmental Health Clerk be granted the delegation to exercise all functions pursuant to Council's powers and responsibilities under the Companion Animals Act 1998 and the Companion Animals Regulation 1999 as an authorised officer.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 November 2009
REPORT OF DIRECTOR CORPORATE SERVICES

o-CS4	Illawarra Academy of Sport
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REF: MALS

6600/5

Reporting on the appointment of a Councillor delegate to the Illawarra Academy of Sport.

OC 188/09

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

THAT Clr Paul Tuddenham be appointed Council's delegate to fill the vacancy of Director of the Board of the Illawarra Academy of Sport.

PASSED



INFRASTRUCTURE SERVICES DIVISION

o-IS1	Regional and Local Community Infrastructure Programs – Strategic Projects 2009/10
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REF:	DIS	2151/5, 2151/6
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Reporting on round two of additional funding of \$220 million, by the Federal Government for the Regional and Local Community Infrastructure Programs (RLCIP) in 2009-2010.

OC 189/09

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

THAT Council lodge a grant application to fund the construction of a roof cover over the saleyards at the Moss Vale Regional Livestock Selling Centre under the 2009/10 Regional & Local Community Infrastructure Program – Strategic Projects.

PASSED



NOTICES OF MOTION

COUNCIL MATTERS

NOTICES OF MOTION

o-NM1 17/2009 – Notice of Motion – Bottled Water Free Policy

REF: MALS

100/4

Clr James Clark has given notice that it his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 11 November 2009:

1. THAT a report be brought forward for Council consideration detailing issues and steps required for the introduction of a bottled water free policy for Council run events.

OC 190/09

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

THAT a report be brought forward for Council's consideration detailing issues and steps required for the introduction of a bottled water free policy for Council run events.

PASSED

CHAIRPERSON

At this juncture, the time being 5.10 pm, the Mayor, Clr T D Gair, resumed the Chair to conduct the remainder of Council Business.



OPEN COUNCIL (CONT)

ENVIRONMENT & PLANNING DIVISION (CONT)

o-EP11 Joint Regional Planning Panel Funding

REF:	DEP	5300, 5606, 5605
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Reporting on remuneration for Joint Regional Planning Panel members.

This matter was deferred from earlier in the meeting.

Interest: Clr David Stranger declared a pecuniary interest in this matter due to the fact that he is one Council's appointed members on the Joint Regional Planning Panel. He left the chamber, took no part in the debate and refrained from voting thereon.

MN 472/09

MOTION moved by Clr G McLaughlin and seconded by Clr J G Arkwright:

THAT consideration of the Joint Regional Planning Panel Funding be deferred to the Ordinary Meeting of Council to be held on Wednesday, 25 November 2009, pending further information being received from the Department of Local Government.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 November 2009

QUESTIONS WITH NOTICE

COUNCIL MATTERS (CONT)

QUESTIONS WITH NOTICE

c-QWN1 QWN 03/09 – Goulburn Pipeline

REF: GM

101/2, 7790/20

To: Peter Nelson, Manager Administration & Library Services
From: Clr Larry Whipper
Received: 30 October 2009

Subject: Goulburn Pipeline

Question:

1. Can we make enquiries to ascertain how plans and design work for the proposed Goulburn pipeline are proceeding? Can we ask Goulburn Mulwaree Council if:
 - a. The water from the Wingecarribee will be raw or potable?
 - b. The preferred route has been defined and if the plan is to supply Marulan from this source of water.
2. I also request comment from the Manager Water & Sewer in relation to the potential impacts and liability that would be placed upon Council and the Shires water reserves if we have to potentially provide potable water for an increasing population in Marulan.

Comment from Director Infrastructure Services

A response to the issues raised in Clr Whipper's Question With Notice has been sought from the project manager acting for Goulburn – Mulwaree Council. It is anticipated that this response will be separately distributed to Councillors when it is received.

In the interim, the following response from Wingecarribee Shire Council staff is provided:

1. The Preliminary Environmental Assessment for the project, which is dated October 2009, indicates that the options of transferring either treated or untreated water are still under consideration.
 2. A potential pipeline corridor has been identified and further investigations, involving affected land owners, are currently taking place to refine the pipeline route.
 3. The Sydney Catchment Authority has given in principle approval for Goulburn to access up to 5 megalitres per /day from its Wingecarribee Dam to provide a basic level of drought security. This is a relatively small amount when compared to their system capacity. The capacity of the proposed pipeline is to be 5 megalitres per day, at this stage. However, the pipeline is to be designed so that its capacity could be potentially increased to 7.5 megalitres per day, at some stage in the future, by the installation of a
-



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QUESTIONS WITH NOTICE

booster pumping station. To implement such an increase, SCA agreement and other environmental approvals would be required.

4. To implement a treated water transfer option, a comprehensive agreement between both Councils would be required to address a variety of complex issues, including liability for treatment. In addition, such an agreement would need to set out equitable cost sharing arrangements for water treatment, including operating costs and the capital cost of infrastructure already provided by Wingecarribee Shire Council. It would also need to address cost sharing arrangements for upgrading the water treatment plant when its capacity is reached due to growth or if water quality improvements are required.

MN 473/09

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

1. **THAT** the information be received and noted.
2. **THAT** Council make representations to Goulburn Mulwaree Council requesting the provision of monthly up-dates in relation to the proposed Goulburn pipeline **AND THAT** Council advise Goulburn Mulwaree Council that it would welcome involvement in the planning and implementation of the pipeline.

PASSED



COMMITTEE REPORTS TABLED

c-CR1	Management and Advisory Committee Reports
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REF: DCS

107/1

Submitting minutes of eleven (11) Committee meetings that will be tabled for information

MN 474/09

MOTION moved by *Clr J R Clark* and seconded by *Clr D Stranger*:

THAT the information contained in the following Committee Reports be noted:

1. ***Moss Vale Senior Citizens and Community Centre Management Committee held on Monday 19 October 2009.***
2. ***Wingello Mechanics Institute Hall Management Committee held on Wednesday 14 October 2009.***
3. ***Hill Top Community Centres Management Committee held on Thursday 17 September 2009.***
4. ***Mittagong Community Centre Management held on Thursday 10 September 2009.***
5. ***Mittagong Memorial Hall Management Committee held on Thursday 3 September 2009.***
6. ***Bong Bong Common Management Committee Annual General Meeting held on Tuesday, 25 August 2009.***
7. ***Bong Bong Common Management Committee held on Tuesday, 25 August 2009.***
8. ***Moss Vale Senior Citizens and Community Centre Management Committee Annual General Meeting held on Monday 17 August 2009.***
9. ***Robertson Community Centre Committee held on Wednesday 12 August 2009.***
10. ***Exeter Park Management Committee Annual General Meeting held on Monday 10 August 2009.***
11. ***Exeter Park Management Committee held on Monday 10 August 2009.***

PASSED



COMMITTEE REPORTS ATTACHED

c-CR2 Minutes of the Resource Recovery Centre Strategic Advisory Board

REF: DIS 7503/34

Submitting minutes of the Resource Recovery Centre Strategic Advisory Board held Monday, 21 September 2009.

MN 475/09

JMOTION moved by Clr G McLaughlin and seconded by Clr J G Arkwright:

THAT the recommendations as detailed in the minutes of the Resource Recovery Centre Strategic Advisory Board held Monday, 21 September 2009 be adopted.

PASSED

c-CR3 Minutes of the Resource Recovery Centre Strategic Advisory Board

REF: DIS 7503/34

Submitting minutes of the Resource Recovery Centre Strategic Advisory Board held Monday, 19 October 2009.

MN 476/09

MOTION moved by Clr G McLaughlin and seconded by Clr J G Arkwright:

THAT the recommendations as detailed in the minutes of the Resource Recovery Centre Strategic Advisory Board held Monday, 19 October 2009 be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
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QUESTIONS FROM THE PUBLIC

QUESTIONS FROM THE PUBLIC

1. ITEM o-EP10 – VIEWS AND VISTAS SCENIC LANDSCAPE REVIEW 107/18

Mrs Jan Hainke, representing Hedgewise, referred to the attachment to the report in the Agenda for today's meeting on this matter, where it mentions the use of "Cupressus leylandii" as a hedging species, and asked if this should correctly be named "x Cupressocypans leylandii", which is botanically a different species, and noted that it should be preceded with an "x" to signify that it is a hybrid.

The Mayor Clr T D Gair advised that this will be taken into consideration when Council presents its submission to the Department of Planning.

2. EXETER PARK 6536/1

Mrs Pam Cooper advised that there are still dog owners who do not pick up after their dogs in Exeter Park and asked if Council could provide "doggy bins and bags" at both access points to the Park, that is Exeter Road and Badgery's Way, such as those that are installed at the Bong Bong Bike Track.

The Mayor Clr T D Gair advised that this matter will be taken on notice.

3. EXETER PARK 6536/1

Mrs Pam Cooper noted that when the Telstra Unit in Exeter Road was demolished by a pine tree, Telstra put in a temporary port-a-loo, which was subsequently removed to Council land adjacent to the croquet courts in Exeter Park. Mrs Cooper asked if Council could remove this "hazard" as soon as possible.

The Mayor Clr T D Gair advised that this matter will be referred to the Parks and Property Branch for investigation.

4. GRAFFITI ON BUILDINGS 7860/1

Mr Terry Oakes-Ash asked if Council has the authority to ask or instruct landlords to remove graffiti from their buildings.

The Mayor Clr T D Gair advised that this matter will be investigated.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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GENERAL BUSINESS

GENERAL BUSINESS

1. WATTLE LANE CAR PARK, BOWRAL 7470/7

Clr P B Tuddenham asked if some line marking and shrub clearing can be attended to in the Wattle Lane Car Park at Bowral. He noted also that Telstra has dug up the footpath to re-lay a cable and the footpath has sagged and as such is not useable by pedestrians. Clr Tuddenham asked if these issues can be investigated and rectified.

2. USE OF BOWRAL SWIMMING POOL FOR WATER POLO 6701/2

Clr P B Tuddenham advised that he has received a request from the Water Polo Association to access the Bowral swimming pool on Tuesday afternoons, due to the number of children now playing water polo, from 5.45 pm instead of 6.00 pm. Clr Tuddenham noted that the other alternative would be to play over two (2) nights which was not preferable as players would lose the benefit of the social aspect of the game. He stated that the only people who would be impacted by this change would be lap swimmers but noted that there have not been any lap swimmers at that time of the evening.

Council's Director Infrastructure Services, Mr Michael Brearley, advised that the pool hours dictate a 6.00 pm closure, so this would mean an early closure on those occasions. He stated that with Council's concurrence, this could be accommodated, and that it would just mean advertising the change to the public.

Clr Tuddenham stated that they do not want to close the pool and that the 25 m pool would still be open.

The Mayor Clr T D Gair noted that the 50 m pool would be closed at 5.45 pm but the facility would remain open. The Mayor questioned whether this needed to be advertised or sign-posted.

The Director Infrastructure Services advised that this would be sign-posted at the pool.

3. WATER DETERMINATION, LOT 7 DP 860109, OXLEYS HILL ROAD, BOWRAL
PN1704888

Clr P B Tuddenham referred to this matter which was discussed at the Council Meeting on Wednesday, 14 October 2009, and asked when the matter would come back to Council.

The Mayor Clr T D Gair advised that a query has been received from the property owner, which will be referred to Council for consideration. He advised that at this stage the amount of outstanding water rates is fixed and that there is no interest accruing.

Council's Acting General Manager, Mr Scott Lee, advised that an Information Session on Council's Water Determination Policy will be held on Wednesday, 25 November 2009 and that this matter will be considered following that Information Session.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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GENERAL BUSINESS

4. QUESTIONS ASKED BY COUNCILLORS AT COUNCIL MEETINGS 100

Clr L A C Whipper referred to an issue raised by Clr Mauger at the last Council Meeting about General Business questions asked by Councillors at Council meetings and the replies thereto being printed in the Minutes of the Meeting. He asked if Councillors' questions in relation to Land Use Applications Received, Land Use Applications Determined and matters dealing with consents generally, and the replies, could be recorded in the Minutes for Councillors' assistance, as they had previously been.

The Mayor Clr T D Gair advised that an Information Session will be held early next year to clarify exactly what Councillors would like included in the Minutes.

5. EXETER PARK 6536/1

Clr J Clark advised that he and Clr Arkwright attended the Exeter Park Management Committee meeting on Monday evening and the issue of a Temporary storage shed for the Soccer and cricket players was discussed. Currently the players' sporting equipment is stored under the Exeter Hall and there are some OH&S issues for members retrieving the equipment. He stated that he understood that Council is working through a process of consultation with the Exeter community regarding the provision of toilets and upgrading infrastructure in that precinct. However, Clr Clark asked if the Director Infrastructure Services could hold discussions with representatives of the Soccer and Cricket clubs that use Exeter Oval and investigate if a suitable temporary storage shed could be accommodated on Exeter Oval while Council is waiting for the new toilet/storage building to be resolved, and asked if this could be included for discussion in the 2009/2010 budget.

The Director Infrastructure Services, Mr Michael Brearley, advised that a permanent solution with a new amenities building would be a better solution than a temporary facility, and suggested that Council might consider the matter in next year's budget. He advised that Council staff are going through an extensive process of community consultation on this issue at the moment.

6. LEASE OF PUBLIC GOLF COURSE, CENTENNIAL ROAD, BOWRAL 6612/1.1, PN215900

Clr J Mauger referred to a fax that he sent to the Acting General Manager requesting a copy of the old lease (that is, the 2008 lease) and copies of the rate notices for the same period, and asked why these documents have not been made available, noting that he did ask it for the perusal of all Councillors. Clr Mauger also asked to see the written concurrence from Marsdens in relation to altering the terms of the 2008 lease.

The Mayor Clr T D Gair advised that the relevant information requested by Clr Mauger will be made available for Clr Mauger's, or any other Councillors' perusal at the Council chambers.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 November 2009

GENERAL BUSINESS

7. COUNCIL EXECUTIVE MEETINGS

104/4

Clr J Mauger asked how often Council Executive Meetings take place and if the meetings are minuted and are the minutes available to Councillors.

The Mayor Clr T D Gair advised that the Executive meets every second week. He advised that these meetings are held to set the Agenda items for the Council Meeting the following week.

The Acting General Manager, Mr Scott Lee, advised that it is also a forum for discussion of operational matters which is an opportunity for the Mayor, General Manager and the three (3) Directors to come together to discuss items for the smooth running of the organisation.

The Mayor concluded that it was the late Councillor Jim Tuddenham, who was Mayor at the time, who insisted that the Mayor of the Day be invited to attend the meetings of the Executive Team.

8. 150 YEAR CELEBRATIONS AT CONDOBOLIN

600/8

Clr J Mauger asked if Council had received an invitation to attend the 150 year celebrations at Condobolin on 29 November 2009, and if an invitation had been received, who will be attending.

The Mayor Clr T D Gair advised that no invitation had been received by Council.

9. BERT FLUGELMAN SCULPTURE

1650/21

Clr J Mauger asked for an indication of cleaning costs of the statue on a continuous basis.

The Director Infrastructure Services, Mr Michael Brearley, advised that this matter will be taken on notice and he will place a response in the Weekly Circular.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
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GENERAL BUSINESS

10. LETTER FROM HOUSING NEW SOUTH WALES PN1715740, PN1715730

Clr D Stranger said that he had a question in relation to planning and asked if Council had recently received a letter from Housing NSW?

The Acting General Manager, Mr Scott Lee, advised that a letter dated 2 November 2009 had been received under the recent State Planning Policy for affordable housing. He advised that it is not a development application and does not need a DA but it is advising Council of their intent to develop the site for twenty (20) affordable housing units.

Clr Stranger asked if this matter can be dealt with as a matter of urgency as a reply needs to be made within twenty one (21) days, and he also requested that an urgent meeting with the Minister for Housing be held.

The Acting General Manager advised that the provisions of the State Planning Policy provide twenty one (21) days after receipt of the notice for Council to make a submission, and that was twenty one (21) days from 2 November 2009.

The Mayor Clr T D Gair asked about the site of the proposed development.

Clr Stranger advised that it is a two (2) acre site located behind the pine trees of the area known as "Apex Park" (which is actually a road reserve) on the approach to Moss Vale from Bowral just before railway overbridge. He stated that the letter from Housing NSW was delivered to the immediate neighbours in a blank envelope, was not on letterhead and was not signed.

MATTER OF URGENCY

1. PLANNING ISSUE FOR AFFORDABLE HOUSING IN MOSS VALE
5320/67, PN1715740, PN1715730

Clr D Stranger requested that the matter of the planning issue for affordable housing in Moss Vale, be treated as a matter of urgency.

MN 477/09

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

THAT the matter of the planning issue for affordable housing at Moss Vale be considered as a matter of urgency.

PASSED

The Mayor ruled that this is a matter of urgency.

...Cont'd



.....Cont'd

MN 478/09

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

1. **THAT** Council respond to the letter from Housing NSW within twenty one (21) days requesting an urgent meeting with Housing NSW, noting that Council acknowledges the need for affordable housing and having regard to its existing LEP and the draft LEP, and offering Council's assistance in identifying suitable sites within the Wingecarribee Shire for affordable housing.
2. **THAT** Council's submission include the following points:
 - (i) **The proposed development is non-compliant with the current zoning and proposed zoning.**
 - (ii) **The nature of the development is incompatible with that area (being one (1) home to the acre).**
 - (iii) **No pedestrian access over the bridge.**
 - (iv) **No pedestrian access to shops and transport as the location is remote.**
3. **THAT** Council make representations to the Member for Goulburn, Ms Pru Goward, MP, and the Member for Kiama, Mr Matt Brown, MP, requesting their assistance in arranging an urgent meeting with the Minister for Housing, The Hon David Berger, MP, **AND THAT** Council request that both the Member for Goulburn and the Member for Kiama be invited to attend the meeting with the Minister.

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	X	
Clr G McLaughlin	X	
Clr J G Arkwright	X	
Clr J R Clark	X	
Clr K Halstead	X	
Clr J Mauger	X	
Clr D Stranger	X	
Clr P B Tuddenham	X	
Clr L A C Whipper	X	



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GENERAL BUSINESS

11. PROPOSED MOTO CROSSE COURSE AT HILL TOP LUA09/0696

Clr J G Arkwright advised of a recent public meeting she attended at Hill Top, together with Clr Tuddenham, in relation to a proposed moto crosse course at Hill Top, and asked if a community briefing could be held at Hill Top in relation to the proposal.

Clr P B Tuddenham asked for an extension to the consultation period, as many people who attended the meeting and who had adjoining properties, had not received notification of the proposal.

The Acting General Manager, Mr Scott Lee, advised that a meeting will be organised and Councillors will be notified of the date and time of that meeting.

12. LEASE OF THE PUBLIC GOLF COURSE AT CENTENNIAL ROAD, BOWRAL
6612/1.1, PN215900

Clr K Halstead referred to an item in Weekly Circular Issue 44 dated 6 November 2009 and asked if the amended lease could be made available for public exhibition.

The Mayor Clr T D Gair advised that a copy of the amended lease will be placed in the Bowral Library and will be made available for Clr Mauger's perusal.



CORPORATE SERVICES DIVISION

c-CS1 Closed Council

To consider moving into Closed Council.

At this juncture, the time being 6.20 pm, 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 479/09

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

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 report:**

**c-GM1 PURCHASE OF COUNCIL LAND – LOTS 1-13 AND 54-61, SECTION 1,
DEPOSITED PLAN 1263, RAGLAN STREET, HILL TOP
PN1214600, PN1214700**

Relevant Legal Provision

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

Brief Description

Requesting consideration of preliminary offer to purchase vacant Council land in Raglan Street, Hill Top.

Public Interest

It is not in the public interest to consider this information in Open Council because it contains information which could confer a commercial advantage.

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

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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REPORT OF DIRECTOR CORPORATE SERVICES

CLOSED COUNCIL

c-CS1	Purchase of Council Land – Lots 1-13 and 54-61, Section 1, Deposited Plan 1263 Raglan Street, Hill Top
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REF:	PO	PN1214600, PN1214700
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Relevant Legal Provision

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

Brief Description

Requesting consideration of preliminary offer to purchase vacant Council land in Raglan Street, Hill Top.

Public Interest

It is not in the public interest to consider this information in Open Council because it contains information which could confer a commercial advantage.

The Committee on a **MOTION** moved by Cllr L A C Whipper and seconded by Cllr J G Arkwright **RECOMMENDED:**

1. **THAT the General Manager be delegated authority to negotiate with Timber Creek Holding Pty Limited for the proposed sale of Lots 1-13 and 54-61 Section 1 Deposited Plan 1263 Raglan Street, Hill Top.**
2. **THAT this matter be referred back to a future meeting of Council for endorsement, or otherwise, of an Agreement between Council and Timber Creek Holding Pty Limited.**

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 November 2009

OPEN COUNCIL

107/10

MN 480/09

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

THAT Council moves back into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

107/9

MN 481/09

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

THAT the recommendations of the Closed Council held on Wednesday, 11 November 2009 (Item c-CS1) be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

107/10

MN 482/09

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

THAT the recommendations of the Open Council held on Wednesday, 11 November 2009 being OC 168/09 to OC 190/09, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 November 2009

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.33 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 11 November 2009 numbered M/N 470/09 to M/N 482/09, were signed by me hereunder at the Council Meeting held on Wednesday, 25 November 2009.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 25 NOVEMBER 2009

CHAIRMAN

PUBLIC OFFICER