

# MINUTES

## OF THE ORDINARY MEETING OF COUNCIL

*File No. 100/10*



held on Wednesday, 10 March 2010

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, 10 March 2010

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 10 March 2010

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**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:**

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

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### OPENING OF MEETING AND ACKNOWLEDGEMENT OF COUNTRY

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1826/4

The Mayor Clr T D Gair opened the meeting and 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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### PRAYER

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100/1

The meeting was led in prayer led by Chaplain Steve Clancy of Harbison Care.

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### APOLOGY

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*There were no apologies at this Meeting.*

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### CONFIRMATION OF MINUTES

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY,  
24 FEBRUARY 2010

100/1

**MN 61/10**

**MOTION** moved by Clr D Stranger and seconded by Clr J G Arkwright:

**THAT** the minutes of the Ordinary Meeting of Council held on Wednesday, 24 February 2010 MN 46/10 to MN 60/10 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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### BUSINESS ARISING

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There was no business arising from the Minutes of the Meeting held on Wednesday, 24 February 2010.

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

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**DECLARATIONS OF INTEREST**

101/3

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There were no Declarations of Interest at this Meeting.

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**OPEN COUNCIL**

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**MN 62/10**

107/10

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

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

**PASSED**

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**OPEN COUNCIL**

**ENVIRONMENT & PLANNING DIVISION**

**Governance and Accountability**

**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 16 February 2010 and 2 March 2010.

***OC 35/10***

The Committee on a ***MOTION*** moved by Cllr D Stranger and seconded by Cllr G McLaughlin  
***RECOMMENDED:***

***THAT*** the information relating to Development Consent Nos 1 to 14 (Approved) and Consent No 1 (Refused) under Delegated Authority be received and noted.

***PASSED***

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**Matters Arising from Development Consents Determined by Way of Approval Under Delegated Authority**

1. ITEM 5 – INDUSTRIAL UNITS, HUME HIGHWAY, BRAEMAR LUA08/0708

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

The Manager Development & Building Services advised that he will provide information in the Weekly Circular.

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
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**REPORT OF DIRECTOR CORPORATE SERVICES**

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<b>o-EP2</b>	<b>List of Land Use Applications Received by Council</b>
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REF:	MDBS	5302
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Submitting list of development applications which have been received between 16 February 2010 and 2 March 2010, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

**OC 36/10**

The Committee on a **MOTION** moved by Clr L A C Whipper and seconded by Clr P B Tuddenham **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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**Matters Arising from Land Use Applications Received by Council**

1. ITEM 1 – WIND TURBINE, MOIDART, ERIDGE PARK ROAD, BURRADOO  
LUA10/0157

Clr L A C Whipper asked if this matter could come back to Council for determination, and advised that he was happy to move a motion that way.

The Mayor Clr T D Gair asked if the Development Control Plan for Wind Turbines could be circulated to Councillors this week.

Clr J Mauger asked if rural identification/address numbers could be included in this item.

The General Manager advised that this will be done.

**OC 37/10**

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

**THAT Item 1 – Wind Turbine, Moidart, Eridge Park Road, Burradoo (LUA10/0157) 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.

<b>Councillor</b>	<b>For</b>	<b>Against</b>
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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2. ITEM 4 – WIND TURBINE, THE OLD PUMP HOUSE, BOARDMAN ROAD,  
BOWRAL LUA10/0158

Clr L A C Whipper asked if this matter could come back to Council for determination, and advised that he was happy to move a motion that way.

The Mayor Clr T D Gair asked if the Development Control Plan for Wind Turbines could be circulated to Councillors this week.

Clr J Mauger asked if rural identification/address numbers could be included in this item.

The General Manager advised that this will be done.

**OC 38/10**

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

**THAT Item 4 – Wind Turbine, The Old Pump House, Boardman Road, Bowral (LUA10/0158) 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.

<b>Councillor</b>	<b>For</b>	<b>Against</b>
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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3. ITEM 5 – WIND TURBINE, LOT 4 DP 1127716, ILLAWARRA HIGHWAY, SUTTON FOREST LUA10/0161

Clr L A C Whipper asked if this matter could come back to Council for determination, and advised that he was happy to move a motion that way.

The Mayor Clr T D Gair asked if the Development Control Plan for Wind Turbines could be circulated to Councillors this week.

Clr J Mauger asked if rural identification/address numbers could be included in this item.

The General Manager advised that this will be done.

**OC 39/10**

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

**THAT Item 5 – Wind Turbine, Lot 4 DP 1127716, Illawarra Highway, Sutton Forest (LUA10/0161) 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.

<b>Councillor</b>	<b>For</b>	<b>Against</b>
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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**o-EP3 State Environmental Policy No 1: Industrial Units, Old Hume Highway, Mittagong**

REF: MDBS

LUA 09/0685

This report seeks Council support for a departure from the setback provisions in *Wingecarribee Local Environmental Plan 1989* for an industrial development at No 225 Old Hume Highway, Mittagong.

The Manager Development & Building Services addressed Council on this matter.

**OC 40/10**

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

**THAT Council support the objection pursuant to State Environmental Planning Policy No 1 for a departure from the 20 metre and 10 metre building setback development standards in Clause 20 of Wingecarribee Local Environmental Plan 1989 to enable four (4) industrial units to be built on Lot 1 Section 36 DP1374 at No 225 Old Hume Highway, Mittagong, with 8.6 metre and 4 metre setbacks respectively.**

**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.

<b>Councillor</b>	<b>For</b>	<b>Against</b>
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-EP4 State Environmental Policy No 1 (SEPP 1): Boundary Adjustment,  
Sunninghill Avenue, Burradoo**

REF: MDBS

LUA10/0132

This report seeks Council approval to vary the minimum allotment size provisions in *Wingecarribee Local Environmental Plan 1989* for a boundary adjustment of two (2) existing lots in Sunninghill Avenue, Burradoo.

The Manager Development & Building Services addressed Council on this matter.

**OC 41/10**

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

**THAT Council support the objection pursuant to State Environmental Planning Policy No 1 for a departure from the 4,000m<sup>2</sup> development standard in Clause 17 of Wingecarribee Local Environmental Plan 1989 to enable Lots 31 and 32 DP871700 at Nos 64A and 64C Sunninghill Avenue, Burradoo to be subdivided into two (2) lots with areas of 3,600m<sup>2</sup> and 4,176m<sup>2</sup>.**

**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.

<b>Councillor</b>	<b>For</b>	<b>Against</b>
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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**REPORT OF DIRECTOR CORPORATE SERVICES**

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**o-EP5 Youth HUB and Oasis YouthConnection Outreach Bus**

REF: SPM, MM

1830/7

To provide a progress report on the establishment of the Youth HUB by the Task Force and development of community partnerships to provide outreach youth services in the Wingecarribee Shire.

**OC 42/10**

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

1. **THAT** Council notes the trial period of the YouthConnection Outreach Bus program within the Shire.
2. **THAT** Council be kept up to date with the operation of the service over the course of the next twelve (12) months through the Weekly Circular **AND THAT** a report to Council be presented at the conclusion of the trial period.
3. **THAT** all organisations involved in the establishment of the Youth HUB and Oasis YouthConnection Outreach Bus be congratulated and thanked by Council for their efforts in the introduction of this very worthy project **AND THAT** a Media Release be issued on this matter.

**PASSED**

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<b>o-EP6    Legal Issues Report</b>
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REF:    DEP
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107/22
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Reporting on legal issues arising in the past month.

The Director Environment & Planning addressed Council on this matter.

**OC 43/10**

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

1. **THAT Council's solicitor be instructed to defend the Appeal to the Land & Environment Court in relation to the refusal to modify condition 11(b) of Development Consent LUA08/1007.03 Station Street, Bowral.**
2. **THAT Council staff urgently write to the owner of the premises in regard to the occupation of the building when a number of the conditions of the development consent remain outstanding.**

**PASSED**

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**o-EP7 Section 94A Contributions Plan**

REF: SPM

5702/5

This report discusses the introduction of a Draft Section 94A Contributions Plan for Council.

The Director Environment & Planning addressed Council on this matter.

**OC 44/10**

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

1. **THAT** the Draft Section 94A Contributions Plan for Wingecarribee Shire Council be placed on public exhibition for 42-days pursuant to Clause 26(4) and Clause 28 of the Environmental Planning and Assessment Regulation 2000.
2. **THAT** a report be brought before Council on the Draft Section 94A Contributions Plan following the closure of the public exhibition period.
3. **THAT** the Chambers of Commerce in Wingecarribee Shire be notified that the Draft Section 94A Contributions Plan will be placed on public exhibition as detailed in 1 above, and inviting comment on the Plan.

**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.

<b>Councillor</b>	<b>For</b>	<b>Against</b>
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 Bowral Development Control Plan**

REF: SPM

5700/70

The purpose of this report is to advise the outcome of the exhibition of the Draft Bowral Development Control Plan (DCP).

The Director Environment & Planning addressed Council on this matter.

**OC 45/10**

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

1. **THAT Council adopt the Draft Bowral Township Development Control Plan incorporating changes as shown in the attachment, dated 10 March 2010, circulated separately.**
2. **THAT Council implement the Bowral Township Development Control Plan in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000 and in conjunction with gazettal of the Wingecarribee Local Environmental Plan 2009.**
3. **THAT Council inform those persons and organisations who made submissions of its decision.**
4. **THAT any identified possible changes that arise in the first twelve (12) months of the implementation of the Development Control Plan be referred to Council for consideration.**
5. **THAT Council acknowledge the work undertaken by Council staff in the preparation of the Draft Bowral Development Control Plan AND THAT they be congratulated for their efforts.**

**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.

<b>Councillor</b>	<b>For</b>	<b>Against</b>
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	



**CORPORATE SERVICES DIVISION**

<b>o-CS1</b>	<b>Closure of Unformed Road within Lot 1 In DP 668762 Being Part Winifred West Park, Mittagong and Dedication of Part Church Lane, Mittagong as Public Road</b>
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REF:	PO, FSM
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PN1266800, RD3131
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Report seeking Council endorsement to remedy the incorrect titling of Lot 1 DP 668762 which Lot is part of both Winifred West Park and part of Church Lane, Mittagong by the closure of unformed road within Winifred West Park and the dedication of part of Church Lane Mittagong as public road.

The Director Corporate Services addressed Council on this matter.

**OC 46/10**

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

1. **THAT Council make application to Land & Property Management Authority, Goulburn, for the closure of the unformed road within Lot 1 DP 668762 which Lot forms part of Winifred West Park.**
2. **THAT following the closure of unformed road within Winifred West Park, the newly created allotment be consolidated with the remaining titles of Winifred West Park to form one (1) lot.**
3. **THAT it be noted on the plan of consolidation that that part of Church Lane, Mittagong which currently forms part of Lot 1 DP 668762 be dedicated to the public as road upon registration.**
4. **THAT the General Manager and Mayor be delegated authority to execute under the Common Seal of the Council any Plan, Transfer or other dealing as may be necessary to give effect to these resolutions.**
5. **THAT the application for road closure, consolidation of titles for Winifred West Park and dedication of part of Church Lane Mittagong be funded from the Property Reserve.**
6. **THAT the funding of \$8,000 for this project be allocated from Council's Property Development Reserve.**
7. **THAT the total area of the unformed road be ascertained to ensure that there is no encroachment on existing accesses.**

**PASSED**

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**REPORT OF DIRECTOR CORPORATE SERVICES**

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<b>o-CS2</b>	<b>Local Government Representative – NSW Government’s Office of the Hawkesbury Nepean Stakeholder Committee</b>
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REF:	MALS
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203/4, 5459/1
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Requesting that a nomination be considered from Councillors to be forwarded to the Local Government Association of NSW for consideration to be the Association’s representative on the NSW Government’s Office of the Hawkesbury Nepean Stakeholder Committee.

The Director Corporate Services addressed Council on this matter.

**OC 47/10**

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

**THAT Councillor Larry Whipper be nominated as Wingecarribee Shire Council’s nominee to the Local Government Association to be considered as its representative to serve on the NSW Government’s Office of the Hawkesbury Nepean Stakeholder Committee.**

**PASSED**

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**INFRASTRUCTURE SERVICES DIVISION**

**o-IS1      Extension of the RID Squad Funding – Environment Levy**

REF:      MWS, EHM      7500/17, 7503

Reporting on the extension of the Greater Southern Regional Illegal Dumping Squad (RID) funding for one (1) year at the end of current term, 30 June 2010.

The Director Infrastructure Services and General Manager addressed Council on this matter.

**OC 48/10**

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

1.      **THAT the proposed extension of funding of the RID Squad for a further one (1) year term expiring on 30 June 2010 be referred for consideration in the 2010/11 budget.**
  
2.      **THAT the report be referred to the next meeting of the Environment and Sustainability Committee and the Resource Recovery Centre Advisory Committee for consideration.**

**PASSED**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

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**REPORT OF DIRECTOR INFRASTRUCTURE SERVICES**

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**o-IS2 Southern Regional Livestock Exchange Strategic Advisory Board**

REF: PPM

7170/01

The purpose of the report is to appoint a new community representative on the Southern Regional Livestock Exchange Strategic Advisory Board.

**OC 49/10**

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

1. **THAT Council appoints Mr Brian Wallis as the new Community Representative on the Southern Regional Livestock Exchange Strategic Advisory Board.**
2. **THAT a letter of appreciation be sent from the Mayor to Mr Peter Bray.**

**PASSED**

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**REPORT OF DIRECTOR INFRASTRUCTURE SERVICES**

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**o-IS3 Un-Named Reserve – Ben Nevis Circuit Bundanoon – Lot 7 DP 264269**

REF: PPM

1602/4, 6500/2

The purpose of the report is to seek Council's approval to name the Reserve in Ben Nevis Circuit, Bundanoon.

**OC 50/10**

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

1. **THAT Council names the reserve in Ben Nevis Circuit “de Meyrick Reserve” AND THAT a plaque displaying Norman de Meyrick’s association with the area be approved.**
2. **THAT Council acknowledge and thank the former Council staff member, Mr Ken Ferrier for his involvement in this project.**

**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, 10 March 2010

### REPORT OF THE GENERAL MANAGER

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#### COUNCIL MATTERS

#### GENERAL MANAGER'S REPORTS

#### **c-GM1 Reconfirmation of the Structure of Wingecarribee Shire Council**

REF: GM

800/1

The purpose of this report is to recommend to Council the reconfirmation of the structure for Wingecarribee Shire Council (WSC) pursuant to the provisions of Sections 332 and 333 of the Local Government Act 1993.

The General Manager addressed Council on this matter.

#### **OC 51/10**

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

**THAT Council endorse the organisation structure of General Manager and three (3) Directors (Directorates) be re confirmed pursuant to Section 332 and 333 of the Local Government Act 1993.**

**PASSED**

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**COMMITTEE REPORTS TABLED**

<b>c-CR1</b>	<b>Management and Advisory Committee Reports</b>
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REF:	MALS	107/1
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Submitting minutes of four (4) Committee meetings that will be tabled for information.

**OC 52/10**

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

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

1. ***Bong Bong Common Management Committee held Tuesday, 17 November 2009.***
2. ***Mittagong Memorial Hall Management Committee held Thursday 10 December 2009.***
3. ***Mittagong Community Centre Management Committee held Wednesday 13 January 2010.***
4. ***East Bowral Community Centre Management Committee held Tuesday 2 February 2010.***

**PASSED**

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**COMMITTEE REPORTS ATTACHED**

**c-CR2 Internal Audit Committee**

REF: DCS

2102/3

Submitting minutes of the Internal Audit Committee held on Monday, 1 March 2010.

**OC 53/10**

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

**THAT recommendation IAC 1/10 to IAC 3/10 as detailed in the minutes of the Internal Audit Committee meeting held on Monday, 1 March 2010 be adopted.**

**PASSED**

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

REF: MRRC

7503/34

Submitting minutes of the Resource Recovery Centre Strategic Advisory Board held Monday, 22 February 2010.

The General Manager addressed Council on this matter.

**OC 54/10**

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

**THAT the recommendations as detailed in the minutes of the Resource Recovery Centre Strategic Advisory Board Committee held Monday, 22 February 2010 be adopted.**

**PASSED**

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**CHAIRPERSON**

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At this juncture, the time being 5.00 pm, the Mayor, Clr T D Gair, resumed the Chair to conduct the remainder of Council Business.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### REPORT OF DIRECTOR CORPORATE SERVICES

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**c-CR4 Minutes of the Traffic Committee**

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REF: TE

107/6

Submitting minutes of the Traffic Committee held Monday, 1 March 2010.

Clr L A C Whipper referred to correspondence he had received from a resident in Bowral in relation to traffic movement through Bowral. Clr Whipper asked for an up-date in relation to this matter.

Clr P B Tuddenham advised that this matter had been referred to the Bowral Chamber of Commerce for further comment and feedback.

Clr P B Tuddenham advised, in relation to Items 2 and 3, that the Roads & Traffic Authority has forwarded a Deed of Variation to fund the position of the Road Safety Officer, something that Council has been fighting for.

#### ***MN 63/10***

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

***THAT recommendations TC1/10 – TC32/10 as detailed in the minutes of the Traffic Committee held Monday, 1 March 2010 be adopted with the exception of Item 7 – Traffic Calming on Station Street, Bowral, Item 10 Junction of Cliff Street and Mittagong Road, Bowral, Item 11 Right Turn Acceleration Lane on Old Hume Highway at Railway Terrace, Willow Vale and Item 20 Access to the Aldi Store at Mittagong.***

#### ***PASSED***

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1. ***ITEM 7 – TRAFFIC CALMING ON STATION STREET, BOWRAL***

RD3204, 7460/8

Clr J G Arkwright asked for clarification of where in Station Street the traffic calming was proposed.

Clr P B Tuddenham advised that it was the roundabout at the corner of Banyette Street (the Milk Factory Gallery) and that a complaint had been received about speeding of traffic from the traffic lights going towards Moss Vale. Clr Tuddenham advised that there is very little that can be done at this intersection and that heavy vehicles mount the roundabout to go over the top of it. However, the local Police will be monitoring speeding vehicles.

#### ***MN 64/10***

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

***THAT traffic calming NOT be installed on Station Street in Bowral.***

#### ***PASSED***

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

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**REPORT OF DIRECTOR CORPORATE SERVICES**

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2. ITEM 10 – JUNCTION OF CLIFF STREET AND MITTAGONG ROAD, BOWRAL  
7460/8

Clr K Halstead asked for further details in relation to this item.

Clr P B Tuddenham advised that this involves vehicles turning right from Cliff Street going towards Mittagong where there is a safety area, and the concern is the danger of vehicles travelling from Bowral entering first as a dual lane and then meeting a vehicle that is stationary in the refuge. He has advised that it was determined that better line marking would be done to clearly define the refuge, and then the matter will be referred back to the Traffic Committee for further consideration.

***MN 65/10***

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

***THAT the Roads & Traffic Authority install chevron markings and pavement markers on Mittagong Road (MR260) at its junction with Cliff Street.***

***PASSED***

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3. ITEM 11 – RIGHT TURN ACCELERATION LANE ON OLD HUME HIGHWAY AND RAILWAY TERRACE, WILLOW VALE  
RD8260

Clr P B Tuddenham referred to this item and asked if this matter could be re-considered. He advised that coming from Willow Vale it is extremely difficult to turn right to go towards Mittagong. Clr Tuddenham asked if this matter could be referred back to the Traffic Committee in an endeavour to have the Roads & Traffic Authority install a refuge at this very dangerous corner. He advised that the proposed traffic lights at Inkerman Road will be of assistance, but that proposal is still approximately twelve (12) months away.

***MN 66/10***

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

***THAT the matter be referred back to the Traffic Committee for reconsideration of the dangers of the intersection, prior to the introduction of traffic lights at the intersection of Inkerman Road and the Old Hume Highway, Willow Vale.***

***PASSED***

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

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**REPORT OF DIRECTOR CORPORATE SERVICES**

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4. ITEM 20 – ACCESS TO THE ALDI STORE AT MITTAGONG

LUA07/0613, 7460/25

Clr K Halstead asked if this item was raised at the Traffic Committee particularly in relation to what other situations may be looked at from the point of view of vehicles travelling from Mittagong and accessing the Aldi store. Clr Halstead asked if there had been a response from the Roads & Traffic Authority and the Police in relation to the access to the Aldi store.

Clr P B Tuddenham advised that at present anyone accessing the Aldi store from the north has to go through the Marketplace. He advised that there is confusion for traffic at the moment and particularly at holiday time when traffic controls have had to be put in place for accessing the Marketplace car park.

***MN 67/10***

***MOTION moved by Clr P B Tuddenham and seconded by Clr K Halstead:***

***THAT this matter be referred back to the Traffic Committee to consider access to the Aldi Store from the north via the use of a slip-lane.***

***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, 10 March 2010

### QUESTIONS FROM THE PUBLIC

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#### QUESTIONS FROM THE PUBLIC

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1. SURVEY AND COMMUNITY CONSULTATION – EXETER PARK AND EXETER HALL 7209, 6536/1

Mrs Pam Cooper asked if the final plans for the construction of the amenities block proposed for Exeter Park can be submitted to the Exeter Park Management Committee for final consultation, in particular the location and floor plans and can it be submitted on A3 paper.

The General Manager advised that this can be done.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 10 March 2010

### GENERAL BUSINESS

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#### GENERAL BUSINESS

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1. HAMPDEN PARK MANAGEMENT COMMITTEE 6550/2.1

Clr L A C Whipper referred to an issue that he raised some time ago about the expenditure of S94 contributions within Hampden Park, noting that some of the works had been undertaken. He asked for an up-date on this matter.

The General Manager advised that a reply will be provided in the Weekly Circular.

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2. SHOOTING RANGE AT HILL TOP LUA07/1364, PN1761300

Clr K Halstead referred to the letter from the Hon Tony Kelly, MLC, the Minister for Planning, dated 1 March 2010 and asked if Council could obtain copies of the various management reports referred to in the letter. Clr Halstead also expressed concern about the noise level placed on the development and asked what is meant by Noise Level of 75 dB(L) and, particularly, at what point (location) on the site does it apply to.

The Mayor Clr T D Gair noted that there is a time limit by which Council needs to respond.

The Director Environment & Planning advised that it is clear that there needs to be a review of what has been approved and how that may affect the local community, and he suggested the scheduling of an Information Session for interested Councillors in terms of what Council's response to the Minister should be, noting that there is a time limit on that.

The General Manager advised that information will be provided in the Weekly Circular advising what the implications are and what the timeframes are, and from there an Information Session will be arranged for Councillors with a view to putting back a formal response within those timeframes.

The Mayor Clr T D Gair advised that the Hill Top Residents Action Group should be notified of Council's position in this matter at this time.

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3. LAWN MOWING OF GRASS VERGES 7810/10.1

Clr J G Arkwright advised that she has been contacted by residents from Burradoo, noting that the verge is usually mown by the elderly husband, however, he is ill and now cannot do this mowing. Clr Arkwright asked if Council could assist these elderly residents.

The General Manager advised that the details will be reviewed and Clr Arkwright advised of the decision.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### GENERAL BUSINESS

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4. JUNCTION OF EXETER, BUNDANOON AND MIDDLE ROADS, EXETER  
RD0569 0100, RD0569 0030, 7451

Clr J G Arkwright referred to the intersection outside the Exeter General Store and asked if there is a possibility of a “mini” roundabout being constructed at this junction, which could be a cheaper option. Clr Arkwright asked if the matter could be referred to Council's Traffic Committee for consideration.

The General Manager advised that staff will investigate the matter and it will be referred to the Traffic Committee for consideration.

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5. CONDITION OF ROADS - SEALED AND UNSEALED ROADS 7810/3

Clr J Mauger asked if Council still maintains a detailed record of road conditions and schedules of timely maintenance, together with investment in upgrades such as re-sheeting and roadside clearing and what length of road is involved if this assessment still exists.

The Director Infrastructure Services advised that an assessment of Council's full road network was undertaken recently by Australian Road & Research Board, a consultancy firm, as the position no longer exists within Council. He advised that he would make a summary of that assessment available to Councillors via the Weekly Circular.

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6. STAGE 2 OF THE ROBERTSON FOOTPATH 6690/15

Clr J Mauger asked when the next stage of the Robertson Footpath to the Old Cheese Factory building would be undertaken. He noted that since the recent construction there is an increased number of people walking and cycling along that section of the footpath.

The Director Infrastructure Services advised that construction of Stage 2 of the Robertson Footpath is scheduled for May/June 2010.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### GENERAL BUSINESS

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#### 7. PROPOSED MOTO CROSS AT HILL TOP

LUA09/0969

Clr P B Tuddenham asked for an up-date on this development application and when it is likely to come before Council.

Clr L A C Whipper advised that he had received calls from residents querying how long it will take for the information to be provided by the applicant and when will the matter be deemed as a refusal by Council. Clr Whipper asked if an up-date can be provided in the Weekly Circular.

The Director Environment & Planning advised that a letter had recently been sent to the residents of Hill Top who had made submissions, with an up-date of the matter and advising what is required to be done by the applicant, and that in recent discussions the applicant had been advised of what is still outstanding.

The Director Environment & Planning advised that it is always a point of debate for Council's staff in dealing with applications as to when to "draw the line". He advised that in some cases a refusal is given quickly where there is a deficiency of information supplied, but this is not always the best way to proceed. He advised that in this instance the application had progressed, and as it involved community consultation, it was reasonable to allow the applicant a reasonable time to address outstanding issues. He advised that this will not be for an indefinite period and that the time is drawing close to get a definite answer from the applicant about the outstanding issues.

The General Manager advised that information will be provided in the Weekly Circular.

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#### 8. ILLAWARRA ACADEMY OF SPORT

6600/5, 600/4

Clr P B Tuddenham advised that he had recently attended the Illawarra Academy of Sport presentation evening, and that a "Breakfast with the Champions" is to be held on Friday, 26 March 2010, commencing at 7.00 am at the URAC Sports Hub, University of Wollongong. Clr Tuddenham asked if this could be advertised by Council. He advised that the Academy is grateful for the support it receives from Council as there are quite a few young people from the Shire who are involved with the Academy. Clr Tuddenham also asked if condolences could be forwarded to Mr Mark Brogan, the General Manager of the Illawarra Academy of Sport, whose brother passed away last week.

The Mayor Clr T D Gair thanked Clr Tuddenham for the information and advised that a letter of condolence will be forwarded to Mr Mark Brogan.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 10 March 2010

### REPORT OF DIRECTOR CORPORATE SERVICES

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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 6.42 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.

Mr Terry Oakes-Ash asked if the General Manager's Performance Agreement become a public document.

The Mayor Clr T D Gair advised that it will not become a public document.

### **MN 68/10**

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

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**      **BUSINESS MODELS FOR CONTINUING OPERATION OF ANIMAL SHELTER**      **5501/8.4**

**Relevant Legal Provisions**

***This report is referred to Closed Committee under Clause 10A 2(d) of the Local Government Act 1993 as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.***

**Brief Description**

***Reporting on the business models for the continuing operation of the Animal Shelter.***

**Public Interest**

***It would on balance be contrary to the public interest to consider this information in Open Council because if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.***

.....Cont'd



.....Cont'd

**c-GM2      COMPLIANCE WITH OUTSTANDING CONDITIONS OF DEVELOPMENT CONSENTS      LUA05/0732**

**Relevant Legal Provisions**

*This report is referred to Closed Committee under Clause 10A 2(g) of the Local Government Act 1993 as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.*

**Brief Description**

*Reporting on the compliance with outstanding conditions for LUA 05/0732.*

**Public Interest**

*It would on balance be contrary to the public interest to consider this information in Open Council because it deals with information that potentially may be the subject of legal action.*

**c-GM3      GENERAL MANAGER'S PERFORMANCE AGREEMENT      822/7, PER**

**Relevant Legal Provisions**

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

**Brief Description**

*This report deals with the Performance Agreement for the General Manager*

**Public Interest**

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

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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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 10 March 2010

**CLOSED COUNCIL**

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**CLOSED COUNCIL**

**GENERAL MANAGER'S REPORTS**

**c-GM1 Business Models for Continuing Operation of Animal Shelter**

REF: EHM

5501/8.4

The General Manager and Director Environment & Planning addressed Council on this matter.

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

**THAT Council immediately initiates a call for tenders for the Operation of Wingecarribee Animal Shelter on behalf of Wingecarribee Shire Council.**

**PASSED**

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**c-GM2 Compliance with Outstanding Conditions of Development Consents**

REF: DEP

LUA05/0732

Council's General Manager and Director Environment & Planning addressed Council on this matter.

The General Manager distributed additional information to Councillors just prior to the Meeting.

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

1. **THAT in relation to the IGA consent, Council reinforce with the applicant that he can make an application for review of Council's decision; and**
2. **THAT Council is prepared to notify the owner of The Intersection that in relation to the costs required for the construction of the roundabout that it is prepared to offer up to \$70,000 contribution towards his costs; and**
3. **THAT in terms of the laneway the owner of The Intersection be notified that the works relating to the upgrade of the Laneway will be limited to the length of the laneway applicable to his property boundary; and**
4. **THAT if the loading dock is not built to the Australian Standards Council pursue the matter, and if the loading dock cannot be modified an alternate truck that can use the loading bay be in use by 1 July 2010; and**
5. **THAT Planet Health be advised that a median strip will be constructed as part of The Intersection development conditions of consent AND THAT it appears that Planet Health has no development consent for the changed use of the premises; and**
6. **THAT it be noted that the final wording to be formulated by Council's Solicitors reflecting the above intent; and**
7. **THAT Council note that the IGA consent, The Intersection development and the Planet Health consent are three (3) separate matters.**

**PASSED**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
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**CLOSED COUNCIL**

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.....Cont'd

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.

<b>Councillor</b>	<b>For</b>	<b>Against</b>
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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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
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**CLOSED COUNCIL**

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**c-GM3 General Manager's Performance Agreement**

REF: GM

822/7, PER

This Report is presented to Council to adopt the General Managers Key Performance Indicators (KPI's)

At this juncture, the time being 6.55 pm all staff members retired from the Meeting.

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

1. **THAT Council adopt the Key Performance Indicators (KPI's) as attached with them to be included in the Contract between Wingecarribee Shire Council and the General Manager.**
2. **THAT the first formal review of the General Manager's Performance be carried out in December 2010.**
3. **THAT the Panel for the review of the General Manager's Performance be the Mayor, a Councillor of the General Manager's choosing and an independent facilitator with every other Councillor providing an individual review to the Mayor, to be collated and considered in the final scoring.**
4. **THAT Council include two (2) additional KPI's in the General Manager's Contract that were discussed during the Meeting.**

**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, 10 March 2010

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### OPEN COUNCIL

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107/10

**MN 69/10**

**MOTION** moved by Clr K Halstead and seconded by Clr L A C Whipper:

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

**PASSED**

No members of the public or staff were present in the Chamber.

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### ADOPTION OF CLOSED COUNCIL

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107/9

**MN 70/10**

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

**THAT** the recommendations of the Closed Council held on Wednesday, 10 March 2010 (Items c-GM1 to c-GM3) be adopted.

**PASSED**

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### ADOPTION OF OPEN COUNCIL

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107/10

**MN 71/10**

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

**THAT** the recommendations of the Open Council held on Wednesday, 10 March 2010 being OC 35/10 to OC 54/10, be adopted.

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 10 March 2010

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### THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.10 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 10 March 2010 numbered M/N 61/10 to M/N 71/10, were signed by me hereunder at the Council Meeting held on Wednesday, 24 March 2010.

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CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 24 MARCH 2010

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CHAIRMAN

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PUBLIC OFFICER