

# MINUTES

## OF THE ORDINARY MEETING OF COUNCIL

*File No. 100/10*



held on Wednesday, 15 December 2010

The meeting commenced at 3.32 pm.



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 15 December 2010

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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**COMMENCING AT:** 3.32 pm

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

**IN ATTENDANCE:** General Manager Mr Jason Gordon  
Acting Director Corporate Services Mr Peter Nelson  
Director Environment & Planning Mr Scott Lee  
Director Infrastructure Services Mr Michael Brearley  
Governance Co-ordinator Ms Kathryn Hayward  
Mayor's Assistant Ms Liz Johnson

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### OPENING OF MEETING AND ACKNOWLEDGEMENT OF COUNTRY

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1826/4

The Mayor Clr K Halstead opened the meeting and welcomed members of the public and the press, and requested Clr L A C Whipper to undertake Acknowledgement of Country.

Clr L A C Whipper 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 the Civic prayer by Clr J G Arkwright.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### APOLOGY

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***M/N 525/10***

PERS

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

***THAT the apology of Clr D Stranger be accepted and leave of absence granted.***

***PASSED***

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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,  
8 DECEMBER 2010

100/1

**MN 526/10**

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

**THAT** the minutes of the Ordinary Meeting of Council held on Wednesday, 8 December 2010 MN 510/10 to MN 524/10 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, 8 December 2010.

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 15 December 2010

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**DECLARATIONS OF INTEREST**

101/3

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*There were no declarations of interest at this meeting.*

*(Refer also Item o-EP8 – Clr P B Tuddenham declared a pecuniary interest in that matter).*

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**OPEN COUNCIL**

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107/10

**MN 527/10**

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

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

**PASSED**

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**VISITOR ITEM**

**ENVIRONMENT & PLANNING DIVISION**

**v-EP1 Environment Strategy (Part 1) and 2010-2011 Wingecarribee Our Future Environment (WOFE) Operation Plan**

REF: MES

5450/25

This report presents an overview of the approach to a 5 year Environment Strategy, details of Part 1 of the Strategy with an associated detailed Operational Plan budget for the expenditure of WOFE funds during 2010/2011.

The Manager Environment and Sustainability addressed Council on this matter.

The General Manager addressed Council.

**OC 261/10**

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

1. ***THAT Council note and support the approach to a five (5) year Environment Strategy for Wingecarribee Shire.***
2. ***THAT Council endorse the Wingecarribee Environment Strategy 2010-2015 Part 1 for purposes of exhibition to the public for a thirty (30) day period for comment.***
3. ***THAT Council endorse the Operation Plan 2010/11.***
4. ***THAT Council endorse the work of the staff in Environment and Sustainability in formulating the strategy.***

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



**OPEN COUNCIL**

**ENVIRONMENT & PLANNING DIVISION**

**o-EP1 Land Use Applications Determined**

REF: MEA

5302

Submitting list of Land Use applications determined by way of approval under delegated authority of the Director of Environment and Planning for the month of November 2010.

The Manager Environmental Assessment addressed Council on this matter.

**OC 262/10**

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

**THAT the information regarding the List of Land Use Applications Determined by Council for the month of November 2010, be received and noted.**

**PASSED**

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**o-EP2 Proposed Restaurant, "The Manning", Lot 1 DP 210663 and Lots 81 and 82 DP 517290, No 18 Kangaloon Road, Bowral**

REF: MEA

LUA10/0249

This report is about an amended development application which proposes to use the former "The Manning" boutique hotel building as a restaurant in conjunction with the existing motel.

The Manager Environmental Assessment addressed Council on this matter.

**OC 263/10**

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

**THAT the amended development application LUA2010/0139 for the re-use of the existing building as a restaurant in conjunction with "The Manning" Motel on Lot 1 DP 201663, and Lots 81 and 82 DP 517290, No 18 Kangaloon Road, Bowral, be approved subject to the conditions of consent as detailed in Attachment 3 of 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.

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

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**o-EP3 Proposed Dwelling-Houses – Lots 43 and 45, DP 1152665, Nos 14 to 20  
Fitzroy Street, Hill Top**

REF: MEA

LUA10/0950, LUA10/0995

This report is about two development applications for dwelling-houses on lots which do not satisfy the minimum area requirements in WLEP2010.

The Manager Environmental Assessment addressed Council on this matter.

**OC 264/10**

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

1. **THAT Council support the exceptions to the development standard in clause 7.1 in Wingecarribee Local Environmental Plan 2010 to enable dwelling-houses to be built on Lots 43 and 45, DP 1152665, Nos 14 to 20 Fitzroy Street, Hill Top, as described in development applications LUA2010/0950 and LUA2010/0995 AND THAT the concurrence of the Director General be sought.**
2. **THAT in the event that the Director General advises that authority has been delegated to Council to determine such matters, authority be delegated to the General Manager to determine the development applications.**
3. **THAT Council approve the variations to the Northern Villages Development Control Plan in respect of front building setbacks and garage widths.**

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



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**REPORT OF DIRECTOR ENVIRONMENT & PLANNING**

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<b>o-EP4</b>	<b>Proposed 5 Lot Residential Subdivision, Lots 11 and 12, Section 7, DP 792, No 29 Willow Street, Willow Vale</b>
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REF:	MEA	LUA10/0711
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*This matter was dealt with later in the meeting (refer MN 535/10).*

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**REPORT OF DIRECTOR ENVIRONMENT & PLANNING**

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**o-EP5 Draft Plan of Management for the Southern Highlands Botanic Garden**

REF: MSCD

6500/22

The purpose of this report is to present to Council the Draft Plan of Management for the Southern Highlands Botanic Garden for endorsement and recommend that the Draft Plan be placed on public exhibition for community comment.

**OC 265/10**

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

1. **THAT Council adopt the Draft Plan of Management for the Southern Highlands Botanic Garden located on the corner of Old South and Kangaloon Roads, Bowral.**
2. **THAT the Draft Plan of Management, by public notification within local newspapers, be placed on public exhibition from Monday, 17 January 2011 and concluding on Monday, 14 February 2011 AND THAT submissions be received up until Monday, 28 February 2011.**
3. **THAT copies the Draft Plan of Management be made available in Council's libraries, webpage and Customer Service Centre AND THAT the Draft Plan be sent to local Community Groups and Associations for consideration and comment.**

**PASSED**

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**o-EP6 Draft Roads and Traffic Contributions Plan – Version 6**

REF: MSCD

5701/6

This report presents to Council a Draft Roads and Traffic Management Facilities Section 94 Plan – Version 6 as an Interim Plan, following its Public Notification period.

The Director Environment & Planning addressed Council on this matter.

**OC 266/10**

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

1. **THAT** the Draft Roads and Traffic Management Facilities Developer Contributions Plan – Version 6 be adopted by Council to take effect upon the date of Notification given in a public newspaper in accordance with the Environmental Planning and Assessment Regulation 2000.
2. **THAT** notification of the adoption of the Plan be advertised in a public newspaper within twenty eight (28) days of the date of the Council meeting in accordance with the Environmental Planning and Assessment Regulation 2000, but prior to Friday, 31 December 2010.
3. **THAT** Council provides a copy of the Contributions Plan to the Director General within twenty eight (28) days of its adoption in accordance with Section 25AB of the Environmental Planning and Assessment Regulation 2000.

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



**o-EP7 Planning Proposal to Correct Several Mapping Errors in Wingecarribee Local Environmental Plan 2010**

REF: MSCD

5901

The purpose of this report is to recommend that Council prepare a Planning Proposal in order to correct a number of errors relating to Schedule 1 of Wingecarribee Local Environmental Plan 2010 and the associated maps.

The Director Environment & Planning addressed Council on this matter.

**OC 267/10**

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

**THAT Council proceed with a Planning Proposal in accordance with Section 55 of the Environmental Planning and Assessment Act, 1979 to amend Schedule 1 of Wingecarribee Local Environmental Plan 2010 and the Local Clauses - Schedule 1 maps covering the affected sites, as follows:**

<b>No.</b>	<b>Title</b>	<b>Proposed Amendment</b>
<b>7</b>	<b>Use of certain land at Old Hume Highway, Braemar</b>	<b>Amend subclause (1) to read:</b>  <b><i>This clause applies to land at Old Hume Highway, Braemar, being Lot 14, Section 1, DP 792, Lot 1, DP 1036857 and Lots 1 and 2, DP 1078394.</i></b>
<b>8</b>	<b>Use of certain land at Moss Vale Road, Burradoo</b>	<b>Amend subclause (1) to read:</b>  <b><i>This clause applies to land at Corner Charlotte Street and Moss Vale Road, Burradoo, being Lot 1, DP 793738 and Lots 1 and 8, Sec A, DP 2144.</i></b>
<b>16</b>	<b>Use of certain land at Old Hume Highway, Mittagong</b>	<b>Amend the Local Clauses - Schedule 1 map to identify the subject site as 16.</b>
<b>17</b>	<b>Use of certain land at Old Hume Highway, Mittagong</b>	<b>Amend the Local Clauses - Schedule 1 map to identify the subject site as 17.</b>
<b>20</b>	<b>Use of certain land at Elizabeth Street, Moss Vale</b>	<b>Amend subclause (1) to read:</b>  <b><i>This clause applies to land at Elizabeth Street, Moss Vale, being Lot 1, DP 1003729.</i></b>



23	<b>Use of certain land known as Renwick Urban Release Area</b>	<b>Amend subclause (1) to read:</b>  <i>This clause applies to land known as the Renwick Urban Release Area, edged red on the Schedule 1 Map and numbered 23.</i>
		<b>Amend the Local Clauses - Schedule 1 map to identify the subject site as 23.</b>
24	<b>Use of certain land at Illawarra Highway, Robertson</b>	<b>Amend the Local Clauses - Schedule 1 map to identify the subject site as 24.</b>
25	<b>Use of certain land at Vandenberg Road, Robertson</b>	<b>Amend the Local Clauses - Schedule 1 map to identify the subject site as 25.</b>
26	<b>Use of certain land at Hume Highway, Sutton Forest</b>	<b>Amend subclause (1) to read:</b>  <i>This clause applies to land at Sutton Forest Service Centre, Hume Highway, being Lots 7 and 10, DP 811912 and part Lot 11 and Lot 12, DP 857127.</i>
		<b>Amend the Local Clauses - Schedule 1 map to identify the subject site as 26.</b>
27	<b>Use of certain land at Illawarra Highway, Sutton Forest</b>	<b>Amend the Local Clauses - Schedule 1 map to identify the subject site as 27.</b>
28	<b>Use of certain land at Old Hume Highway, Welby</b>	<b>Amend the Local Clauses - Schedule 1 map to identify the subject site as 28.</b>
29	<b>Use of certain land at Bresnahans Lane, Wildes Meadow</b>	<b>Amend the Local Clauses - Schedule 1 map to identify the subject site as 29.</b>
30	<b>Use of part road reserve, Hume Highway, Yerrinbool</b>	<b>Amend subclause (1) to read:</b>  <i>This clause applies to part road reserve, Hume Highway, Yerrinbool, being Lots 15 and 17, DP 245509 Lot 7311, DP 1147309 and part Lot 171, DP 751267.</i>
		<b>Amend the Local Clauses - Schedule 1 map to identify the subject site as 30.</b>

**PASSED**



**o-EP8 Planning Proposal to Correct the Zoning of the Old Stationmaster's House, Lot 1 DP743008, No 1 Railway Parade, Mittagong under Wingecarribee Local Environmental Plan 2010**

REF: MSCD 5901, PN1237800

The purpose of this report is to recommend that Council include the subject site within a Planning Proposal in order to correct a zoning error over part of the site.

Interest: Cllr P B Tuddenham declared a pecuniary interest in this matter as the property is in the immediate vicinity of his premises at Mittagong, and to be consistent he would leave the Chamber, take no part in the debate and refrain from voting thereon.

The Director Environment & Planning addressed Council on this matter.

**OC 268/10**

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

**THAT Council proceed with a Planning Proposal in accordance with Section 55 of the Environmental Planning and Assessment Act, 1979 to amend the Zoning Map for part Lot 1 DP 743008 from SP2 Infrastructure to R2 Low Density Residential and to amend the Lot Size Map to show a minimum lot size of 700m<sup>2</sup> (Q).**

**PASSED**

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Cllr P B Tuddenham rejoined the Meeting.



**CORPORATE SERVICES DIVISION**

**o-CS1 Wingecarribee 2031+**

REF: CP

500/2.4

Reporting on the exhibition of *Draft Wingecarribee 2031+* (W2031+) and adoption of the final plan to enable implementation to commence.

The General Manager addressed Council on this matter.

**OC 269/10**

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

1. **THAT Council adopt Wingecarribee 2031+ as the Community Strategic Plan of Wingecarribee Shire.**
2. **THAT Council continue with development of the Integrated Planning and Reporting Framework through development of a Delivery Program, Resourcing Strategy and Operational Plan by 30 June 2011.**
3. **THAT a report be provided to a future Ordinary meeting of Council on its corporate community engagement approach with options for future resourcing and direction.**

**PASSED**

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<b>o-CS2</b>	<b>Code of Meeting Practice Review</b>
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REF:	MG	100/3
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Reporting on proposed changes to Council's Code of Meeting Practice to ensure that Council's meeting procedures are in compliance with legislative requirements and current best practice.

**OC 270/10**

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

**THAT the Code of Meeting Practice Review be deferred to the Ordinary Meeting of Council to be held on Wednesday, 9 March 2011.**

**PASSED**

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**o-CS4 Appointment of Delegates to Economic Development and Tourism Working Group**

REF: MG

107/24

Reporting on nominations from community representatives for appointment to the Economic Development and Tourism Working Group in the areas of Tourism, Manufacturing, Development and Local Business.

The General Manager addressed Council on this matter.

**OC 272/10**

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

1. ***THAT in relation to the Economic Development and Tourism Working Group the following nominees be appointed as delegates to the Working Group in the following categories:***
  - (a) ***Tourism – Mr Paul Rubie and Mr Barry Anstee***
  - (b) ***Manufacturing – Mr Alan Spence***
  - (c) ***Southern Highlands Business Chamber – Mr Terry Oakes-Ash***
  - (d) ***Community Representative – Mr Peter Smyth***
  
2. ***THAT Council nominate the following three (3) Councillors as delegates to the Economic Development and Tourism Working Group:***
  - (a) ***Clr J G Arkwright***
  - (b) ***Clr P B Tuddenham***
  - (c) ***Clr G McLaughlin***

***AND THAT the following Councillor be nominated as Chair of the Economic Development and Tourism Working Group:***

***Clr P B Tuddenham***
  
3. ***THAT a copy of Council's Code of Conduct be forwarded to each appointed delegate.***
  
4. ***THAT the unsuccessful nominees interested in serving on the Tourism / Economic Development Working Group be formally thanked for submitting their names for inclusion on the Working Group.***
  
5. ***THAT the General Manager and Manager Tourism give consideration to a representative of the National Parks & Wildlife Service being invited to nominate a delegate to the Working Group.***

**PASSED**



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**REPORT OF DIRECTOR CORPORATE SERVICES**

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**o-CS5      Renewal of Option of Lease of Mittagong Caravan Park, 1 Old Hume Highway, Mittagong**

REF:      PO

PN676300, 7142, 7142/2

Reporting on the exercise of option on the Lease by Beragel Pty Limited of the land known as Mittagong Caravan Park, 1 Old Hume Highway Mittagong.

The Acting Director Corporate Services addressed Council on this matter.

**OC 273/10**

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

1.      **THAT the exercise of the option by Beragel Pty Limited with respect to the Lease of the Mittagong Caravan Park be noted.**
2.      **THAT it be noted that the option period will be for a further three (3) year term commencing 1 February 2011.**
3.      **THAT a valuation be obtained by Council to assess the current market rental for Mittagong Caravan Park AND THAT a further report be brought back to a future meeting of Council to consider the valuation report.**

**PASSED**

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**REPORT OF DIRECTOR CORPORATE SERVICES**

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<b>o-CS6</b>	<b>Investments as at 30 November 2010</b>
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REF:	FSM	2104
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Submitting details of Council's Investments as at 30 November 2010.

The General Manager addressed Council on this matter.

**OC 274/10**

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

**THAT the information on Council's Investments as at 30 November 2010 be received and noted.**

**PASSED**

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**CHAIRPERSON**

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At this juncture, the time being 5.03 pm, the Mayor, Clr K Halstead, remained in the Chair to conduct the remainder of Council Business.

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**INFRASTRUCTURE SERVICES DIVISION**

<b>o-IS1 Environmental Levy Logo</b>
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REF: DIS	5465/29, 5465/29.01, 5465
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The purpose of this report is to advise Council of a proposed Environmental Levy logo.

***MN 528/10***

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

***THAT the Logo as shown in Attachment 1 of the report be adopted as the official branding for the Environmental Levy.***

***PASSED***

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**o-IS2 Plant and Equipment Hire Tenders**

REF: MO

6330/10.23

Reporting on the matter of tenders for the provision of plant and equipment hire for the two year period, 1 January 2011 to 31 December 2012.

The General Manager addressed Council on this matter.

**MN 529/10**

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

1. **THAT** Council engage the following companies a unit rate Panel of sixty one (61) companies to provide Plant and Equipment Hire for a period of two (2) years commencing January 2011.

- a. **A & A Projects Pty Ltd**
- b. **A and C Plant Hire P/L**
- c. **AB Crowe Heavy Haulage Pty Ltd**
- d. **Action Hire**
- e. **Alpha Civil P/L**
- f. **Aqua Assets Pty Ltd**
- g. **Barry Bros**
- h. **Base Course Management Pty Ltd**
- i. **Blackwell Bros Pty Ltd**
- j. **Boom**
- k. **Boylan Traffic Solutions**
- l. **Brefni Excavation and Earthmoving P/L**
- m. **Bruce and Catherine Noble**
- n. **Coates Hire Operations Pty Ltd**
- o. **Conplant Pty Ltd**
- p. **Coopers Earthmoving**
- q. **Cranebiz Pty Ltd**
- r. **DA & KM Arnold**
- s. **DA Worner Pty Ltd**
- t. **Divalls Bulk Haulage**
- u. **DJ & GS Earthmoving**
- v. **E & B Tipper Hire**
- w. **Environmental Land Contracting P/L**
- x. **Finlay Screening and Crushing Systems P/L**
- y. **GO HIRE**
- z. **GR & J White Earthmoving**
- aa. **Graham Hall Excavations P/L**
- bb. **GS & NE Turner T/AS Turner's Backhoe Hire**
- cc. **Halegrove Pty Ltd**
- dd. **Hydrodig Pty Ltd**
- ee. **IC Pipes**
- ff. **John Roman Earthmoving Pty Ltd**

.....Cont'd

.....Cont'd

- gg. Kennards Hire Pty Ltd
  - hh. Ledacon Pty Ltd
  - ii. Leroy Excavations Pty Ltd
  - jj. Liloach Pty Ltd
  - kk. Mark Kracht Earthmoving & Rural Contracting
  - ll. Mica Earthworks P/L
  - mm. Mulreadys
  - nn. MV Hire Pty Ltd
  - oo. PremiAir Services
  - pp. RDK Watertankers
  - qq. Rental Fence
  - rr. Richards Haulage
  - ss. Rick Oslear Excavations Pty Ltd
  - tt. Roadworx
  - uu. Rollers Australia
  - vv. SG & SA White Plant Hire
  - ww. Smith's Land Maintenance
  - xx. Stanton Sales and Hire Pty Ltd
  - yy. Steve Tipton Investments Pty Ltd
  - zz. Sydney Road Profiling Pty Ltd
  - aaa. The Cross Roads Group Pty Ltd
  - bbb. Total Drain Cleaning Services Pty Ltd
  - ccc. Total Vegetation Management Pty Ltd
  - ddd. Track Rentals Pty Ltd
  - eee. Transpacific Industries Group
  - fff. Tutt Bryant Hire
  - ggg. Welby Bulk Haulage
  - hhh. Wingecarribee Land & Property Services Pty Ltd
  - iii. Zonwood
2. **THAT** Council writes to the following three (3) non-compliant companies and requests them to obtain adequate insurance coverage to be considered for plant hire:
- 1) Highlands Cranes Pty Ltd
  - 2) Mittagong Transport & Equipment
  - 3) Harris Jones Holdings Pty Ltd
- AND THAT** these companies be included on the list in Resolution one subject to the submission of evidence of adequate insurance coverage.
3. **THAT** the Mayor and General Manager be authorised to execute the Standing Offer Contracts under the Common Seal of the Council.

**PASSED**

.....Cont'd

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.....*Cont'd*

In accordance with Section 3.17 of the Tendering Guidelines for NSW Local Government dated October 2009, voting is recorded as follows:

<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	A	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	

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<b>o-IS3</b>	<b>Clarence Street Car Parking Precinct</b>
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REF: MES	7460/26, 7472/1, 7472/5
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Reporting on options to re-configure the car park within the Clarence Street shopping precinct in the vicinity of the IGA supermarket and Moss Vale Post Office.

**MN 530/10**

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

1. **THAT** Council support Option 2A in principal as the preferred medium term arrangement, including:
  - An additional right turn bay at the northern entry to the car park
  - An additional trolley bay at the southern end of the car park
  - Reinforcement of parking restrictions
  - Improvements to pedestrian access outside the medical centre
2. **THAT** Council notes that implementation of the 40k/h speed zone along Clarence Street and installation of the second pedestrian crossing will require the approval of the Roads & Traffic Authority.
3. **THAT** Council acknowledges that longer term parking and traffic management options will be the subject of traffic & parking micro-simulation modelling and report made possible by Roads & Traffic Authority funding.
4. **THAT** subject to recommendation 1 and confirmation of funding from the Roads & Traffic Authority the shortfall be funded from the 2010/2011 IRS Traffic Facilities budget.
5. **THAT** additional lighting in the area be considered as part of the landscape plan to be brought back to Council in February 2011.
6. **THAT** following a six (6) month trial of the revised traffic arrangements, a further report be submitted to Council outlining the success or otherwise of the changes.

**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, 15 December 2010

### QUESTIONS FROM THE PUBLIC

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#### QUESTIONS FROM THE PUBLIC

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1. CLARENCE STREET CAR PARKING PRECINCT 7460/26, 7472/1, 7472/5

Mr Alan Hunt referred to the item in relation to the Clarence Street Car Parking Precinct, and asked if the flow of traffic in Clarence Street could be reversed so that it is one way coming down the hill with entry to the carpark at the southern end.

The General Manager advised that this question will be taken on notice.

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2. THANK YOU TO COUNCILLORS 100/2010

Mr Alan Hunt wished to acknowledge the tremendous amount of work that Councillors have put in through the year, not only at Council meetings but also in Committee meetings and talking to constituents and so on, and thanked Councillors for their efforts. Mr Hunt wished everyone a Merry Christmas.

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**COMMITTEE REPORTS**

**COMMITTEE REPORTS ATTACHED**

**c-CR1 Minutes of the Finance Sub-Committee (Council's Investments)**

REF: DCS 2104

Submitting minutes of the Finance Sub-Committee (Council's Investments) held Thursday, 2 December 2010.

***MN 531/10***

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

***THAT the recommendations Nos 1 and 2 as detailed in the minutes of the Finance Sub-Committee (Council's Investments) held Thursday, 2 December 2010 be adopted.***

***PASSED***

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

REF: DCS 7503/34

Submitting minutes of the Resource Recovery Centre Strategic Advisory Board held Thursday, 2 December 2010.

***MN 532/10***

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

***THAT the recommendations as detailed in the minutes of the Resource Recovery Centre Strategic Advisory Board held Thursday, 2 December 2010 be adopted.***

***PASSED***

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 15 December 2010

### REPORT OF GENERAL MANAGER

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#### **c-CR3 Minutes of the Water & Sewerage Advisory Committee**

REF: WSM

7799/2

Submitting minutes of the Water & Sewerage Advisory Committee held Friday, 26 November 2010.

The General Manager addressed Council on this matter.

Clr J Mauger noted the concern expressed by the Water & Sewerage Advisory Committee at the meeting on 26 November 2010 as to the ongoing difficulties with access for the Robertson Sewerage Scheme.

Clr T D Gair noted that a meeting may be held with the landowner next week in an attempt to finalise the agreement.

**MN 533/10**

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

**THAT** the recommendations as detailed in the minutes of the Water & Sewerage Advisory Committee held Friday, 26 November 2010 be adopted.

**PASSED**

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

REF: TE

107/6

Submitting minutes of the Traffic Committee held Monday, 29 November 2010.

**MN 534/10**

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

**THAT** the recommendations Nos TC 145/10 to TC 148/10 and TC 150/10 to TC 167/10 as detailed in the minutes of the Traffic Committee held Monday, 29 November 2010 be adopted.

**PASSED**

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**OPEN COUNCIL (CONT)**

**ENVIRONMENT & PLANNING DIVISION (CONT)**

**o-EP4 Proposed 5 Lot Residential Subdivision, Lots 11 and 12, Section 7, DP 792,  
No 29 Willow Street, Willow Vale**

REF: MEA

LUA10/0711

This report is about a 5 lot residential subdivision and the implications of infill development facilitated by the new LEP in areas that are lacking critical infrastructure.

The Manager Environmental Assessment addressed Council on this matter.

***MN 535/10***

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

1. ***THAT a Catchment Stormwater Management Strategy, in accordance with the principles of Water Sensitive Urban Design, be developed for the area generally west of Carlton Street, Willow Vale which has been rezoned R2 in WLEP2010.***
2. ***THAT funds from section 94 monies held in restricted assets for stormwater management be used for this purpose.***
3. ***THAT the Catchment Stormwater Management Strategy be submitted to Council for determination.***
4. ***THAT authority be delegated to the General Manager to determine development application LUA2010/0711 for a 4 or 5 lot subdivision of Lots 11 and 12, Section 7, DP 792, No 29 Willow Street consistent with the Catchment Stormwater Management Strategy adopted by Council.***
5. ***THAT authority be delegated to the General Manager to determine any development application for a 2 lot subdivision of Lots 11 and 12, Section 7, DP 792, which creates a lot with an area of about 1,250m<sup>2</sup> around the existing dwelling-house at No 29 Willow Street, Willow Vale, and a residue lot of about 4,185m<sup>2</sup>.***

***PASSED***

.....Cont'd



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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 J G Arkwright	x	
Clr J R Clark	x	
Clr T D Gair	x	
Clr K Halstead	x	
Clr G McLaughlin	x	
Clr J Mauger	x	
Clr D Stranger	A	
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  
on Wednesday, 15 December 2010

### OPEN COUNCIL

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## GENERAL BUSINESS

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1. COUNCIL RESTRUCTURE 500/1

Clr J R Clark referred to the restructure and requested a directory of who's/who in the organisational restructure with updated telephone numbers.

The General Manager advised that this information will be provided to Councillors.

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2. YOUTH CENTRE AT LOSEBY PARK 7182, 1830

Clr L A C Whipper advised that he attended a meeting with representatives of Rotary at the Youth Centre at Loseby Park and noted that the purchase and installation of the demountable building on the site may be a long process, and he asked if it was possible for a Council officer from Council's Design Branch to attend the site to ascertain the size of demountable so that the matter can be moved forward as soon as possible.

The General Manager advised that staff will investigate this matter.

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3. PROPOSED COMMERCIAL AND RETAIL USE OF THE FORMER BUNNINGS SITE, LOT 1 DP943268, NO 603 ARGYLE STREET, MOSS VALE  
LUA10/0511, LUA10/0512

Clr P B Tuddenham referred to the Bunnings site in Moss Vale and asked when assessment of the site will be finalised.

The General Manager advised that this question will be taken on notice.

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5. ROADSIDE VEGETATION MAINTENANCE 7810/10.1

Clr P B Tuddenham referred to the guide posts and asked if spraying will be done around the guide posts.

The Director Infrastructure Services advised that the contract for roadside mowing includes spraying with Roundup around guide posts and signs and this is being attended to.

Clr J Mauger noted that roadside vegetation maintenance has started on Tourist Road and Range Road has been completed, and advised that this work has made a great difference in eliminating the danger on these narrow roads.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 15 December 2010

### OPEN COUNCIL

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6. CHRISTMAS CHEER

800/14

Clr J Mauger advised that unfortunately he is unable to attend the staff Christmas Party this year, for the first time since he joined Council.

The Councillors passed on their Christmas wishes to their fellow Councillors and Council staff.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 15 December 2010

### OPEN COUNCIL

#### CLOSED COUNCIL

#### GENERAL MANAGER

cc-GM1 Closed Council

107/9

To consider moving into Closed Council.

At this juncture, the time being 6.00 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.

The Acting Director Corporate Services advised Council that in relation to Item c-GM2 Legal Advice Received Regarding Finance Sub-Committee (Council's Investments), the report could be brought forward into Open Council for consideration, with the legal advice of Council's Solicitor remaining in Closed Council.

**MN 536/10**

**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 legal advice from Council's Solicitor B Bilinsky & Co dated 7 December 2010, it being noted that c-GM1 was dealt with earlier in the Meeting (refer o-IS2 Plant and Equipment Hire Tenders - MN 529/10) and c-GM2 in Open Council later in the Meeting (refer Legal Advice – Finance Sub Committee (Council's Investments) MN 537/10):

**c-GM2 LEGAL ADVICE RECEIVED REGARDING FINANCE  
SUB-COMMITTEE (COUNCIL'S INVESTMENTS)**

**2104**

**Relevant Legal Provisions**

***This report is referred to Closed Committee under Clause 10A (2)(a) and Clause 10A 2(g) of the Local Government Act, 1993, as it contains personnel matters concerning particular individuals and 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 legal advice received regarding the Finance Sub Committee (Council's Investments).***

.....Cont'd



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 15 December 2010

### OPEN COUNCIL

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.....Cont'd

#### **Public Interest**

*It would on balance be contrary to the public interest to consider this information in Open Council because it contains it contains personnel matters concerning particular individuals and advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.*

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

**PASSED**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 15 December 2010

**OPEN COUNCIL**

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**CLOSED COUNCIL**

**c-GM1 Plant and Equipment Hire**

REF: MO 6330/10.23

*This matter was dealt with earlier in the meeting (refer MN 529/10).*

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**c-GM2 Legal Advice – Finance Sub Committee (Council's Investments)**

REF: ADCS 2104

*It was noted that the report was dealt with later in the meeting (refer MN 538/10) with the exception of the legal advice of Council's Solicitor which remained in Closed Council.*

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 15 December 2010

**OPEN COUNCIL**

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**OPEN COUNCIL**

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107/10

***MN 537/10***

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

***THAT*** Council moves back into Full Council.

***PASSED***

No members of the public were present in the Chamber.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 15 December 2010

### OPEN COUNCIL

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#### OPEN COUNCIL (CONT)

#### c-GM2 Legal Advice – Finance Sub Committee (Council's Investments)

REF: ADCS

2104

Reporting on legal advice received from Council's solicitor Mr B. Bilinsky & Co dated 7 December 2010 concerning advice on legality of council's Finance & Internal Audit Committee.

**MN 538/10**

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

1. **THAT** the Sub-Committee to deal with urgent matters relating to Council's Claims against Lehman Brothers Australia Limited, appointed at Council's meeting held on Wednesday 22 September 2010 be disbanded.
2. **THAT** Council delegate to the Mayor of the Day, (Clr K. Halstead) Chair of the Finance Committee, (Clr J G Arkwright), Clr T D Gair and the General Manager, or Acting General Manager authority to deal with urgent matters relating to Council's claims against Lehman Brothers Australia Limited, Lehman Brothers Holdings Inc and any other litigation associated with Council's Collateralised Debt Obligations **AND THAT** any decisions made by the four (4) persons delegated such authority must be unanimous prior to reporting back to Council, as soon as possible, on any decisions made.
3. **THAT** should a unanimous decision not be made by the four (4) delegated person appointed in item two (2) above, an Extraordinary Meeting of Council be called by the Mayor, as soon as possible, to enable Council to reach a decision on that matter.

**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, 15 December 2010

**OPEN COUNCIL**

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**ADOPTION OF CLOSED COUNCIL**

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107/9

**MN 539/10**

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

**THAT** the recommendations of the Closed Council held on Wednesday, 15 December 2010 (Items c-GM1 and c-GM2) be adopted.

**PASSED**

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**ADOPTION OF OPEN COUNCIL**

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107/10

**MN 540/10**

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

**THAT** the recommendations of the Open Council held on Wednesday, 15 December 2010 being OC 261/10 to OC 274/10, be adopted.

**PASSED**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 15 December 2010

**OPEN COUNCIL**

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THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.07 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 15 December 2010 numbered M/N 525/10 to M/N 540/10, were signed by me hereunder at the Council Meeting held on Wednesday, 9 February 2011.

\_\_\_\_\_  
CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 9 FEBRUARY 2011

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
PUBLIC OFFICER