

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/10



held on Wednesday, 13 July 2011

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, 13 July 2011

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 July 2011

COMMENCING AT: 3.30 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 D Stranger
Clr P B Tuddenham

IN ATTENDANCE: General Manager Mr Jason Gordon
Acting Director Corporate Services Mrs Janice Cruickshank
Acting Director Environment & Planning Mr Mark Pepping
Director Infrastructure Services Mr Michael Brearley
Manager Governance Mr Peter Nelson
PA to the Mayor Ms Liz Johnson

OPENING OF MEETING AND ACKNOWLEDGEMENT OF COUNTRY

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."

PRAYER

100/1

The meeting was led in prayer by Reverend Bob Thomas of Bowral Uniting Church.



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APOLOGY

There were no apologies at this meeting.



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CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY,
22 JUNE 2011

100/1

MN 223/11

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 22 June 2011 MN 196/11 to MN 222/11 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

BUSINESS ARISING

1. ITEM o-CS6 – DRAFT DELIVERY PLAN, BUDGET AND REVENUE POLICY
501/2011, 2120/2011, 200/10, 203/4

Clr J Mauger referred to Item o-CS6 - Draft Delivery Plan, Budget and Revenue Policy on page 28 of the Minutes - and noted that he had voted against this item. Clr Mauger stated that he had requested that his name be recorded as voting against the matter but the Minutes did not reflect that.

MN 224/11

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

THAT Clr J Mauger's dissenting vote be noted in respect to Item o-CS6 - Draft Delivery Plan, Budget and Revenue Policy on page 28 of the Minutes of the Meeting of Wednesday, 22 June 2011.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 13 July 2011

DECLARATIONS OF INTEREST

101/3

Clr J Mauger declared a pecuniary interest in Item c-GM1 – Conduct Reviewer Reports – Code of Conduct Allegations against Councillor Duncan Gair – as he has a potential claim for damages in relation to this matter. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.

The General Manager advised that in terms of Clr Mauger's pecuniary interest, at the end of the day Councillors have to make their own decision, but with Code of Conduct matters coming to Council are not generally conflicts, in particular pecuniary, because they are relating to Councillors carrying out their duties and that is stated in the Code of Conduct. He stated that Councillors need to inform themselves of it but it would be quite rare that a Councillor would declare an interest in a Code of Conduct matter.

Clr T D Gair noted that the complainant had asked that his name be deleted in the report, and stated that he assumed, because of Clr Mauger's statement, that Clr Mauger is the complainant.

The General Manager stated that there are two aspects of the Code of Conduct which are applicable in this case, being s7.11 which relates to conflict of interest, and that Clr Gair's question is covered under s11.3 relating to Protected Disclosures. He stated that, as the General Manager when dealing with Code of Conduct matters, he has a responsibility to protect, as far as practical, the identity of the person who has made the complaint. He noted, however, that as stated in the report, it is up to the person and in this case the Councillor has asked that their name not be made part of the report.

Clr G McLaughlin declared a less than significant non-pecuniary interest in Item v-EP1 - Major Project for the Continued Operations of the Berrima Colliery at Medway, Item o-EP3 - Modification Application for Berrima Cement Works State Significant Development Consent, Item o-IS1 – Medway Road by Boral and Item c-NM3 – Notice of Motion – Coal Mining within Wingecarribee Shire - as he is employed by Boral. He stated that he would vacate his chair but remain in the chamber when these matters were discussed, and would take no part in the debate and would refrain from voting thereon.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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OPEN COUNCIL

107/11

MN 225/11

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

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

PASSED



VISITOR ITEM

v-EP1 Major Project for the Continued Operations of the Berrima Colliery at Medway

Reference: 5305/3
Responsible Officer: Acting Director Environment and Planning

This report relates to a Major Project, under Part 3A of the Environmental Planning and Assessment Act 1979, for the continued operations at Berrima Colliery Medway for Boral Cement Limited at the Boral owned properties at Medway.

Interest: Clr G McLaughlin declared a less than significant non-pecuniary interest in this matter as he is employed by Boral. He vacated his chair but remained in the Chamber, and took no part in the debate and refrained from voting on the matter.

OC 131/11

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

THAT the speakers on this item be allowed to address Council for a period of ten (10) minutes in lieu of the normal five (5) minutes.

PASSED

Mr Joshua Cook (representing the objectors group, residents of Medway and surrounding properties) addressed Council.

Mr Stuart Hutchings, Operations Manager, Boral Berrima Cement Works and Colliery (representative of the applicant) addressed Council.

The Environmental Assessment Unit Leader addressed Council on this matter.

OC 132/11

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

1. **THAT Council not oppose the continued operations of the Berrima Colliery at Medway at a production level based ONLY on the condition that the approval be granted ONLY to meet the demands of local and domestic customers using historical averages of 220,000 tonnes per annum to meet this objective AND THAT the current Part 3A Development Application (DA) be modified to reflect this.**

.....Cont'd



.....Cont'd

2. **THAT Council not support the export of coal as proposed in this development application AND THAT the Department of Planning and Infrastructure (DoPI) be advised that this component of the current application and the Berrima Cement Works modification application reference DA No 401-11-2002-I MOD 6 should form a separate development application.**
3. **THAT Council in its submission to the DoPI request that should any development consent be granted whether for the export of coal or the formalisation of the continued domestic operations that Boral be required to construct a haul bypass road of Medway Village AND THAT the applicant be required to enter into a Voluntarily Planning Agreement to upgrade and maintain the remaining section of Medway Road to be used by heavy vehicles.**
4. **THAT Council in its submission to the DoPI requests that the Berrima Colliery and Boral Cement be required to operate within legislative and accepted industrial limits to reduce the impacts of noise, dust and water quality for local residents and the environment AND THAT the DoPI demands that all loads leaving the mine and stockpiling areas be covered.**
5. **THAT Council requests that noise generating activities such as loading and hauling which are carried out in close proximity to existing residences be restricted to working hours typical of comparative operations such as 7.00am to 6.00pm Monday to Friday and 7.00am to 1.00pm Saturdays AND THAT no loading and haulage to occur on Sundays or Public Holidays.**
6. **THAT Council make a submission in accordance with the content of this report and final resolutions of Council to the NSW DoPI as its response to the public exhibition of the development application, reference no MP 10_0172.**

PASSED

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

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

.....Cont'd



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

.....Cont'd

OC 133/11

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

THAT in the first instance Councillors and staff meet with Boral at an Economic Development and Tourism Working Group Meeting in relation to Boral's long term plans for the district **AND THAT** members of the public be invited to attend that meeting.

PASSED



SUSPENSION OF STANDING ORDERS

Clr P B Tuddenham requested that standing orders be suspended to allow Item o-EP3 – Modification Application for Berrima Cement Works State Significant Development Consent and Item o-IS2 – Medway Road by Boral - to be heard at this juncture of the meeting as there were many members of the public present in the gallery for these items.

Interest: Clr G McLaughlin declared a less than significant non-pecuniary interest in this matter as he is employed by Boral. He vacated his chair but remained in the Chamber, and took no part in the debate and refrained from voting on the matter.

OC 134/11

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

THAT standing orders be suspended to allow Item o-EP3 – Modification Application for Berrima Cement Works State Significant Development Consent and Item o-IS2 – Medway Road by Boral - to be considered.

PASSED



OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

o-EP3 Modification Application for Berrima Cement Works State Significant Development Consent

Reference: 5305/3
Responsible Officer: Acting Director Environment and Planning

This report relates to a modification application, the sixth such modification application to the Blue Circle Cement Works State Significant and Integrated Development Consent, for an increase in the stockpiling of Coal at the Cement Works.

Interest: Clr G McLaughlin declared a less than significant non-pecuniary interest in this matter as he is employed by Boral. He vacated his chair but remained in the Chamber, and took no part in the debate and refrained from voting on the matter.

The Environmental Assessment Unit Leader addressed Council on this matter.

OC 135/11

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

1. **THAT** the Department of Planning and Infrastructure be advised that the extraction of Coal for export from the Berrima Colliery at Medway and the means of transport for this Coal should form a separate development application.
2. **THAT** should the Modification application as submitted be given development consent, appropriate contributions towards the New Berrima bypass project be required as a Voluntary Planning Agreement and the transport of coal to Port Kembla by rail be a condition of development consent.
3. **THAT** Council make a submission in accordance with the contents of this report and the final resolutions of Council to the New South Wales Department of Planning and Infrastructure as its response to the public exhibition of the modification application, reference no DA No 401-11-2002-i MOD 6.

PASSED



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

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

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



INFRASTRUCTURE SERVICES DIVISION

o-IS2	Medway Road by Boral
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Reference: 7300, 7301/7, 7400, RD 3010, 107/6
Responsible Officer: Director Infrastructure Services

The purpose of this report is to recommend that Council gazettes Medway Road for use by B-Doubles and supports separation of access through Medway Village and the upgrading of Medway Road. This report is to be read in conjunction with the report of the Director Environment & Planning earlier on this Agenda.

Interest: Clr G McLaughlin declared a less than significant non-pecuniary interest in this matter as he is employed by Boral. He vacated his chair but remained in the Chamber, and took no part in the debate and refrained from voting on the matter.

The Director Infrastructure Services addressed Council on this matter.

OC 136/11

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

1. **THAT Council confirms its decision of 8 September 2010 to gazette Medway Road for use by B-Doubles, noting the technical benefits of using Medway Road as a B-double route including a reduction in the number of truck movements by one-third and the subsequent reduction in pavement damage.**
2. **THAT Council supports the separation of access through Medway Village through the construction of a separate haul road around the Village and supports the upgrading of Medway Road to a standard compliant with AUSTROADS.**
3. **THAT Council support for the gazettal is conditional upon Boral voluntarily entering into a road maintenance agreement based upon a monetary rate per ton per kilometre.**
4. **THAT the hours of operation be restricted to 7.00am to 6.00pm Monday to Friday and 7.00am to 1.00pm Saturdays AND THAT no loading and haulage to occur on Sundays or Public Holidays.**

.....Cont'd



.....Cont'd

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

1. **THAT** Council does not confirm its decision of 8 September 2011 to gazette Medway Road for use by B-Doubles, until Boral carries out capital works to upgrade Medway Road to AUSTRROADS standards as detailed in Attachment 3 to v-EP1 Major Project for the Continued Operations of the Berrima Colliery at Medway.
2. **THAT** Council supports the separation of access through Medway Village through the construction of a separate haul road around the Village and supports the upgrading and maintenance of Medway Road to a standard compliant with AUSTRROADS.
3. **THAT** Council support for the gazettal is conditional upon Boral voluntarily entering into a road upgrading and maintenance agreement based upon a monetary rate per ton per kilometre.

LOST

VOTING ON THE AMENDMENT

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

MOTION PASSED

VOTING ON THE MOTION

Councillor	For	Against
Clr J G Arkwright	x	
Clr J R Clark		x
Clr T D Gair	x	
Clr K Halstead	x	
Clr G McLaughlin	A	
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 INFRASTRUCTURE SERVICES

CHAIRPERSON

At this juncture, the time being 5.50 pm, the Mayor Clr K Halstead resumed the Chair to conduct the remainder of Council Business.

The Mayor Clr K Halstead requested a short adjournment during which time members of the public vacated the gallery.

Clr G McLaughlin rejoined the Meeting.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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QUESTIONS FROM THE PUBLIC

QUESTIONS FROM THE PUBLIC

1. BIG W DEVELOPMENT

5300

Mr Peter Smyth asked who gave instruction for the consent orders to be made at the Court House and at what level was the instruction given?

The Mayor Clr K Halstead advised that this question will be taken on notice.

2. ACCESS TO COUNCIL OFFICERS AND COUNCILLORS

5300, 5100

Mr Ken Street asked if Council would consider passing a motion that business and ratepayers be accorded the same access to officers and Councillors as architects and developers, as it concerns him that Council is refusing to meet with the community and ratepayers.

The Mayor Clr K Halstead advised that if someone puts a development application before Council, Council is obliged under certain legislation to deal with it in a particular manner. However, he noted that Mr Street's question is quite relevant and will be considered in detail.

3. ITEM v-EP1 - MAJOR PROJECT FOR THE CONTINUED OPERATIONS OF THE BERRIMA COLLIERY AT MEDWAY

5305/3

Mr Terry Oakes-Ash referred to the motion moved in relation to this matter and stated that he believes that the motion is wrong in context and stated that it is his understanding that the Local Government Act, 1993, Council does not have the jurisdiction to determine the end use market of the product for local and/or export, and asked if he is correct?

The Mayor Clr K Halstead advised that this question will be taken on notice.

Clr L A C Whipper advised that as this is a Part 3A Application, Council does not have the capacity to make the conclusions but that the motion reflects the position of the Council.

4. ILLEGAL DUMPING OF WASTE

7500/17

Mr Charlie Johns noted that Council had recently terminated its RID contract six weeks prior to the completion of its term and asked:

- (i) What has happened to the 12 to 14 actions already commenced by RID against residents for illegal dumping?

The General Manager advised that he would not comment on specifics but in general all of those actions came across to Council and every one that is outstanding (that Council is aware of) will be actioned internally by staff and a number of those currently sit with himself.



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QUESTIONS FROM THE PUBLIC

- (ii) In relation to a public case of illegal dumping of over 100 tonnes of building waste on a property owned by Councillor Mauger, there was no DA applied for or approved but noted the property is zoned 7b and feeds into a water catchment area, and asked what has happened to that particular one?

The General Manager advised that he answered that in the first reply and he is not going to talk about specifics and that is not public information.

- (iii) What action has Council taken to activate the clean up order that was put on that waste and to collect the fines already issued to the property by RID?

The General Manager referred to his previous answers and advised that they are individual cases which are not for public information. He advised that what was printed in the paper was not reported by him and he does not intend to do that as the matters are not for public information.

5. ROUNDAABOUT AT TAYLOR AVENUE, BERRIMA

7451, RD1420

Mr Peter Smyth asked:

- (i) Is the roundabout at Taylor Avenue built to comply with B-triples?

The Director Infrastructure Services advised that the roundabout was constructed to accommodate B-triples and that the project was 100% funded by the Federal Government and a condition of that funding was that the roundabout be constructed to that size for that purpose.

- (ii) Would it not make good sense to have Taylor Avenue link to a B-triple roundabout and if the Cement Works chose to use their top gate for access, which is not very far from the B-triple roundabout, would that affect all the information regarding the Voluntary Planning Agreement, Blue Circle and Council considering they would probably only have to use the top few hundred metres of the road near the B-triple roundabout rather than all the proposed works going down Taylor Avenue and affecting residents.

The Director Infrastructure Services advised that he will take the question on notice but he is not aware of any B-triple approvals anywhere in the State.

.....Cont'd



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QUESTIONS FROM THE PUBLIC

.....Cont'd

6. AMENDMENT NO 2 TO WLEP 2010

5901

Mr Barry Anstee referred to the gazettal of Amendment No 2 to WLEP 2010 on 24 December 2010, being the rezoning for the gateway development, and asked why no minimum lot size map was gazetted at that point in time and asked:

- (i) Is the minimum lot size map that relates to the area still in force?

The Acting Director Environment & Planning advised that this particular matter is the subject of a development application and Council is working through with the owner of the land to do a master plan and that once the master plan has been submitted to Council, an amendment to the LEP will be done to incorporate those minimum lot sizes.

- (ii) Does that mean that the land currently has no minimum lot size specified for it?

The Acting Director Environment & Planning advised that is correct.



VISITOR ITEM (CONT)

CORPORATE SERVICES DIVISION

v-CS1 Swimming Centres

Reference: 6700, 6700/4
Responsible Officer: Manager Business Services

The purpose of this report is for Council to consider recommendations for the operation of the Shire's Swimming Centres for the 2011/12 Season.

The Manager Business Services, Mr Peter Bowmer addressed Council on this matter.

Clr P B Tuddenham asked if in future reports the previous year's costs could be included in the report for comparison purposes.

MN 226/11

MOTION moved by Clr J Mauger and seconded by Clr D Stranger:

1. **THAT** Council adopts the recommendations and outlined in Option 3 to the report for the 2011/12 Swimming Season.
2. **THAT** the fees and charges be placed on public exhibition for 28 days **AND THAT** the fees and charges be increased to accommodate rising costs of gas, electricity, wages etc by around 8% as follows:

a. **Cost of Admission**

ADULT	\$ 3.80
CHILD (under 18 years)	\$ 2.80
CONCESSION (Cardholder)	\$ 2.80
SPECTATOR (defined as a guardian or direct relative accompanying or attending a child's activity at the Swimming Centre except Learn to Swim and training)	\$ 1.50
Children under 3 years	Free
SEASON FAMILY TICKET (immediate family only)	\$430.00

Pass Outs be available for School Children under 16 years of age during School Holidays.

.....Cont'd



.....Cont'd

b. Multiple Entry Tickets

(i) **Multiple entry cards be as follows:**

20 Tickets at \$2.80 \$ 56.00 a book
50 Tickets at \$2.20 \$110.00 a book; and

(ii) **Tickets are non refundable and non transferable between swimming seasons with one card issued per visit pass.**

c. Lane Hire

Private coaching/teaching is available upon application and subject to peak load periods.

- **Peak hours 6am to 9am and 3pm to 6pm per lane/per hour \$25.00**
- **Off peak (all other times) per lane/per hour \$15.00**

d. After Hours Usage

(i) **Prior to commencement of the season user groups wishing to use the centres after hours on a regular basis attend an information session so that their needs and Council's conditions can be addressed.**

(ii) **Council charges the standard admission fees for after hours usage of the pools.**

(iii) **All user groups confirm their program formally prior to the season.**

(iv) **The casual after hours usage fee be \$100.00 plus \$35.00 per hour for each staff member required.**

e. School Activity Or Carnival Booking – School Concessions

(i) **A flat entry fee for students for carnivals and organised school activities be \$2.00 and \$1.50 for spectators be applied.**

(ii) **A booking fee of \$100.00 per event at Mittagong and Bowral Swimming Centres, which includes staff entry fees, be adopted.**

(iii) **A booking fee of \$60.00 per event at Moss Vale and Bundanoon Swimming Centres, which includes staff entry fees, be adopted.**

(iv) **The booking fee be applicable where the school group requests to have exclusive use of a pool including back-up days and the booking fee be non-refundable for cancellations within 48 hours of the date booked.**

.....Cont'd



.....Cont'd

f. Season Length and Duration

- (i) The Mittagong Swimming Centre's season be 21 weeks commencing Saturday 15 October 2011 and closing on Sunday 11 March 2012.**
- (ii) The Bowral Swimming Centre's season be 20 weeks commencing on Saturday 5 November 2011 and closing on Sunday 25 March 2012.**
- (iii) The Moss Vale Swimming Centre's season be 18 weeks commencing on Saturday 12 November 2011 and closing on Sunday 18 March 2011.**
- (iv) The Bundanoon Swimming Centre's season be 16 weeks commencing on Saturday 19 November 2011 and closing on Sunday 11 March 2012.**
- (v) The Swimming Centres be open each day of the swimming season excluding Christmas Day and Boxing Day.**
- (vi) Only Mittagong Swimming Centre open on Boxing Day.**
- (vii) The Bowral Water Polo Club be permitted to continue use of Mittagong Swimming Centre for two additional weeks (Monday and Tuesday evenings only being 14 & 1^h & 21 & 22 March) after Mittagong Pool closes to the public on the 11 March 2012.**

g. Opening and Closing Times of Centres

- (i) The opening hours for each swimming centre be as follows.**

Mittagong: 15 Oct to 11 Mar 12

Monday	6am – 9am 2pm – 9pm *
Tuesday	6am – 9am 2pm – 9pm*
Wednesday	6am – 9am 2pm – 6pm
Thursday	6am – 9am 2pm – 6pm
Friday	6am – 9am 2pm – 8pm
Saturday	10am – 6pm
Sunday	10am – 6pm

.....Cont'd



.....Cont'd

Bowral: 5 Nov to 25 Mar 12

Monday	6am – 6pm
Tuesday	6am – 6pm
Wednesday	6am – 6pm
Thursday	6am – 6pm
Friday	6am – 8pm*
Saturday	10am – 6pm
Sunday	10am – 6pm

Moss Vale: 12 Nov to 18 Mar 12

Monday	6am – 8am 2pm – 6pm
Tuesday	6am – 8am 2pm – 6pm
Wednesday	6am – 8am 2pm – 6pm
Thursday	6am – 8am 2pm – 6pm
Friday	6am – 8am 2pm – 8pm*
Saturday	10am – 6pm
Sunday	10am – 6pm

Bundanoon: 19 Nov to 11 Mar 12

Monday	6am – 9am 2pm – 6pm
Tuesday	2pm – 6pm
Wednesday	6am – 9am 2pm – 8pm*
Thursday	2pm – 6pm
Friday	2pm – 6pm
Saturday	10am – 5pm
Sunday	10am – 5pm

** Swim Club and Water Polo Evenings only*

Note: *Opening and closing times to be reviewed pending staff availability.*

- (ii)** *The operational hours of the Mittagong, Moss Vale and Bundanoon Swimming Centres be extended during the day in school holidays and that all facilities remain open when required for functions e.g. School Swimming Carnivals.*
- (iii)** *Swimming Centres will remain open until 6pm, conditional that at 5pm should patronage be less than 20 people (10 at Bundanoon) and the weather is not conducive to swimming, the Pool Supervisors may close the pools at 5pm.*
- (iv)** *On inclement days or where temperatures fall below 17 degrees three of the four Swimming Centres be closed from 9:00am and signage be provided to advise that the pools have been closed due to inclement weather and details of which pool remains open.*
- (v)** *If the forecast temperature is greater than 35 degrees, Bowral pool will remain open until 7pm.*

.....Cont'd



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 July 2011

REPORT OF DIRECTOR CORPORATE SERVICES

.....Cont'd

- (vi) *Bowral Water Polo Club be permitted to continue use of Mittagong Swimming Centre for two additional weeks (Monday and Tuesday evenings only being 14 & 15 & 21 & 22 March) after Mittagong Pool closes to the public on the 11 March 2012.*

PASSED



OPEN COUNCIL (CONT)

ENVIRONMENT & PLANNING DIVISION

o-EP1 Development Consents Determined By Way of Approval Under Delegated Authority

Reference: 5302
Responsible Officer: Manager Environmental Assessment

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 14 June 2011 and 5 July 2011.

MN 227/11

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

THAT the information relating to Development Consent Determined Nos 1-7 under Delegated Authority be received and noted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP2 List of Land Use Applications Received By Council

Reference: 5302
Responsible Officer: Manager Environmental Assessment

Submitting list of development applications which have been received between 14 June 2011 to 5 July 2011, all of which will be dealt with under delegated authority of the Director of Environment and Planning.

MN 228/11

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

THAT the information regarding the List of Land Use Applications Nos 1-8 received by Council, be received and noted, with the exception of Item No 4 – Alterations & Additions New Oncology Unit, Southern Highlands Private Hospital, Bowral Street, Bowral.

PASSED

1. ITEM 4 - ALTERATIONS & ADDITIONS NEW ONCOLOGY UNIT, SOUTHERN HIGHLANDS PRIVATE HOSPITAL, BOWRAL STREET, BOWRAL LUA11/0544

Clr P B Tuddenham requested that Item 4 be referred to Council for determination.

MN 229/11

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

THAT Item 4 - Alterations & Additions New Oncology Unit, Southern Highlands Private Hospital, Bowral Street, Bowral be brought before Council for consideration and determination.

PASSED

o-EP3 Modification Application for Berrima Cement Works State Significant Development Consent

Reference: 5305/3
Responsible Officer: Acting Director Environment and Planning

This matter was considered earlier in the meeting (refer OC 135/11).



o-EP4 Section 96(2) Modification to Stage 2 of Development Consent for 24 Strata Villas, "Milton Park", SP 78022, RN 202 Hordern's Road, Bowral

Reference: LUA 2011/0101 (s96) and 32/27/382/82 (original consent)
Responsible Officer: Manager Environmental Assessment

At its meeting on 22 June 2011, Council resolved:

"THAT consideration of the application LUA2011/0101, pursuant to section 96(2) of the Environment Planning and Assessment Act to modify development consent 32/27/382/82 in relation to 24 strata villa units at "Milton Park", SP 78022, RN 202 Hordern's Road, Bowral, be deferred pending a Briefing Session to consider in detail the concerns of residents AND THAT the report of this meeting, together with a "supplementary" report on the outcome of the Briefing Session, be presented to the next Ordinary Meeting of Council to be held on Wednesday, 13 July 2011".

A further inspection of the site and the briefing session was conducted on Wednesday, 13 July 2011.

The Manager Environmental Assessment addressed Council on this matter.

MN 230/11

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

- THAT the application, LUA2011/0101, pursuant to section 96(2) of the Environment Planning and Assessment Act to modify development consent 32/27/382/82 in relation to 24 strata villa units at "Milton Park", SP 78022, RN 202 Hordern's Road, Bowral be refused, as Council is not satisfied that it is substantially the same development as that approved in 1985 and as amended in 2005 by way of s96 modification.**
- THAT the applicant be invited to meet with the Mayor, General Manager and Council staff to discuss future amendments to the approved plans.**

PASSED

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

Councillor	For	Against
Clr 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	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



MINUTES OF THE ORDINARY MEETING OF COUNCIL
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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

**o-EP5 Proposed 8 Lot Subdivision of Lot 3 DP 703543 and Lot 17 DP 262971,
RN401 Joadja Road, Mandemar**

Reference: LUA11/0202
Responsible Officer: Manager Environmental Assessment

This report is about a Development Application to subdivide Lot 3 DP 703543 and Lot 17 DP 262971 RN401 Joadja Road, Mandemar into 8 lots, each with a minimum area of 40 hectares.

Interest: Clr G McLaughlin declared a less than significant non-pecuniary interest in this matter as he works for Boral. He left the Chamber, took no part in the debate and refrained from voting on the matter.

MN 231/11

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

THAT development application LUA2011/0202 for the subdivision of Lot 3 DP703543 and Lot 17 DP262971, RN401 Joadja Road, Mandemar, into eight (8) lots be approved subject to conditions as set out 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.

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

Clr G McLaughlin rejoined the Meeting.



o-EP6 Southern Highlands Regional Shooting Complex – Request for Modification of Approved Project MP 06-0232 Mod 4

Reference: LUA07/1364 PN 1761300 PN1580700
Responsible Officer: Manager Environment and Sustainability

This report outlines a proposed response to the Department of Planning and Infrastructure that opposes the modification of operating noise conditions for the Southern Highlands Regional Shooting Complex.

The Acting Director Environment & Planning addressed Council on this matter.

MN 232/11

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

- THAT Council make a submission to the Department of Planning and Infrastructure strongly opposing the modifications proposed for the Southern Highlands Regional Shooting Complex (Application No: MP06_232 Mod 4) AND THAT a copy of this Council report and resolution be forwarded to the Department of Planning and Infrastructure as part of its submission.**
- THAT Council as part of its submission request that the Department of Planning and Infrastructure, as part of its assessment process, make suitable arrangements to conduct a demonstration of the increased noise levels at the complex involving Councillors, Council staff, concerned residents and the Local Member for the Electorate of Goulburn, the Hon Pru Goward, MP, Minister for Family and Community Services and Minister for Women.**
- THAT invitations also be sent to the Minister for Sport and Recreation, the Hon Graham Annesley, MP, the Minister for the Environment, the Hon Robyn Parker MLC, the Minister for Planning, the Hon Brad Hazzard MP, the Minister for Communities, the Hon Victor Dominello and the Minister for The Illawarra, The Hon Gregory Pearce MLC, to attend the demonstration.**

PASSED

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

Councillor	For	Against
Clr 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	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



o-EP7 Appointments and Resignations of 355 Management Committee Members

Reference: 7212/1, 7215/1, 6536/1.1
Responsible Officer: Manager Strategic and Community Development

To report on the appointments and resignations of 355 Management Committee Members.

The Manager Environmental Assessment retired from the meeting.

MN 233/11

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

1. **THAT** Ms Diane Barrientos and Ms Marbecc Webb be appointed to the Hill Top Community Centre Management Committee and **THAT** Ms Diane Barrientos and Ms Marbecc Webb be notified of Council's determination.
2. **THAT** Ms Janice Ballard be appointed to the Mittagong Community Centre Management Committee and **THAT** Ms Ballard be notified of Council's determination.
3. **THAT** Council receives with regret the resignation of Mr Peter Grigg and the nomination of Mr John McNamara to the Exeter Park Management Committee and **THAT** Mr Grigg and Mr McNamara be notified of council's determination.
4. **THAT** Hill Top Community Centre Management Committee, Mittagong Community Centre Management Committee and Exeter Park Management Committee be notified of Council's determination.

PASSED



o-EP8 Public Art Advisory Committee

Reference: 1650/13
Responsible Officer: Manager Strategic and Community Development

To endorse nominations for the Public Art Advisory Committee.

MN 234/11

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

1. **THAT** the following nominations for the Public Art Advisory Committee be appointed as Delegates on the Committee:
 - (a) Two (2) Council staff as appointed by the General Manager – the Cultural Officer and the Senior Assets Engineer – Roads and Drainage.
 - (b) Three (3) arts/community members – Ms Elizabeth Charles, Ms Deborah Burdett and Ms Gillian McCracken
2. **THAT** the following nominations from arts/community members be appointed as Delegates on the Public Art Advisory Committee:
 - (a) Ms Elizabeth Charles, Ms Deborah Burdett and Ms Gillian McCracken be invited to join the Public Art Advisory Committee.
 - (b) All other arts/community nominees be thanked for their interest and advised of the outcome.
3. **THAT** the Public Art Advisory Committee be convened for its first meeting in August 2011.

PASSED



o-EP9 Planning Proposal to Permit Development for the Purposes of Tourist and Visitor Accommodation and a Function Centre at Bluemetal Vineyard, Lot 18 DP 262971, RN112 Compton Park Road, Berrima

Reference: 5901/9
Responsible Officer: Manager Strategic and Community Development

The purpose of this report is to inform Council of the response from the Department of Planning and Infrastructure to Council's Planning Proposal to amend Schedule 1 of WLEP 2010 to permit development for the purposes of Tourist Accommodation and Conference Facilities at the Bluemetal Vineyard, Lot 18 DP 262971, RN112 Compton Park Road, Berrima.

The Acting Director Environment & Planning addressed Council on this matter.

MN 235/11

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

THAT the Planning Proposal to permit development for the purposes of tourist and visitor accommodation and function centre on the Bluemetal Vineyard site be deferred until such time as Council has formulated its tourism strategy AND THAT Council make representations to the Hon Brad Hazzard, MP, the Minister for Planning and Infrastructure AND FURTHER THAT the matter be referred to a future Ordinary Meeting of Council for consideration.

PASSED

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

Councillor	For	Against
Clr 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	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



o-EP10 Draft Amendments to Wingecarribee Development Control Plans

Reference: 5700
Responsible Officer: Manager Strategic and Community Development

The purpose of this report is to seek endorsement for the public exhibition of the first set of amendments to the Development Control Plans (DCPs) which support Wingecarribee Local Environmental Plan (WLEP) 2010.

MN 236/11

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

THAT the proposed Development Control Plan amendments (DCP's) which support Wingecarribee Local Environmental Plan 2010 be placed on public exhibition for twenty eight (28) days AND THAT the outcome of the public exhibition be reported back to Council at the end of the exhibition period.

PASSED

o-EP11 Planning Proposal to Correct Certain Zoning and Notation Errors Under Wingecarribee Local Environmental Plan 2010

Reference: 5901/6
Responsible Officer: Manager Strategic and Community Development

The purpose of this report is to inform Council of the outcome of the public exhibition of the Planning Proposal to correct certain zoning and notation errors in the Wingecarribee Local Environmental Plan (WLEP) 2010.

The Acting Director Environment & Planning addressed Council on this matter.

MN 237/11

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

THAT Council report to the Department on Planning regarding the exhibition of the Planning Proposal and request the Department to complete the making of the Plan in accordance with Section 59 of the Environmental Planning and Assessment Act, 1979.

PASSED



o-EP12 Draft Wingecarribee Environment Strategy 2010-2015 Part 1 – Public Submissions on Exhibition

Reference: 5450/25
Responsible Officer: Natural Resource Projects Officer

The purpose of this report is to provide Council with details of the public consultation process, submissions received, and Strategy updates made, relating to the Wingecarribee Environment Strategy 2010-2015 Part 1 (The Strategy).

MN 238/11

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

- THAT Council endorse the updated Wingecarribee Environment Strategy 2010-2015 PART 1 as per Attachment 2 of the report.***
- THAT submission makers be advised of Council's decision in 1 above.***

PASSED



o-EP13 Draft Section 94 Development Contributions Plan for Roads and Traffic Facilities 2011 to 2031

Reference: 5702/7
Responsible Officer: Manager Strategic and Community Development

The purpose of this report is to discuss the Draft Section 94 Development Contributions Plan for Roads and Traffic Facilities, in context with the current Plan which it has been designed to replace. The objective of this report is place the Draft S94 Plan on public exhibition.

The Acting Director Environment & Planning addressed Council on this matter.

MN 239/11

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

1. **THAT the Draft Section 94 Contributions Plan for Roads and Traffic Facilities 2011 to 2031 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 the following organisations and individuals be notified by letter that the Draft Section 94 Contributions Plan for Roads and Traffic Facilities 2011 to 2031 will be placed on public exhibition as detailed in 1 above and inviting comment on the Draft Plan:**
 - a. **All of the Shires' Business Chambers**
 - b. **The Roads and Traffic Authority**

AND THAT the following information is provided on Council's Website for download:

- a. **A copy of the Draft Section 94 Plan;**
 - b. **A copy of this Report and Resolution;**
 - c. **A copy of supporting information listed in Part D of the Draft Plan.**
3. **THAT a report be brought before Council on the Draft Section 94 Contributions Plan for Roads and Traffic Facilities 2011 to 2031 following the closure of the public exhibition period.**

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP14 2011/2012 Wingecarribee Community Assistance Scheme

Reference: 1870/2011

Responsible Officer: Manager Strategic and Community Development

Resubmitting for Council's consideration the final recommendations from the Community Assistance Working Group for financial assistance under the 2011/12 Community Assistance Scheme.

MN 240/11

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

1. **THAT Council adopts the recommendations of the 2011/2012 Community Assistance Scheme Working Group as detailed in Attachments 1 and 2 circulated under separate cover.**
2. **THAT successful applicants be invited to attend a formal presentation to receive Certificates of Entitlement AND THAT this presentation ceremony be conducted during Local Government Week on Wednesday, 3 August 2011 commencing at 5.30pm in the Civic Centre Theatre.**
3. **THAT correspondence be forwarded to the unsuccessful applicants advising them of the outcome.**
4. **THAT the \$15,910.25 of unallocated funds be held in reserve for requests of donations and grants received throughout the 2011/2012 financial year.**

PASSED



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP15 Hill Top Community Association, Penrose Community Association and Wingello Progress Association Requests For Donation

Reference: 2155/1
Responsible Officer: Manager Strategic and Community Development

To consider granting a one-off donation to the Penrose Community Association, Wingello Progress Association and the Hill Top Community Association to assist with establishment costs.

MN 241/11

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

1. **THAT** a one off donation of \$1,200.00 each to the Hill Top Community Association, Wingello Progress Association and the Penrose Community Association be approved to assist with the establishment costs of these community associations **AND THAT** the donation amount be allocated from the residual funds in the 2011/12 Community Grant Scheme.
2. **THAT** Wingecarribee Shire Council's interests be noted on any Public Liability Policy that is obtained.
3. **THAT** the Hill Top Community Association, Wingello Progress Association and the Penrose Community Association be advised on Council's decision.

PASSED



o-EP16 Legal Issues

Reference: 107/22
Responsible Officer: Director Environment and Planning

Reporting on the management of legal and compliance issues in the past month.

MN 242/11

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

THAT the Legal Issues Report of 7 July 2011 – Item cc-GM1 be considered in Closed Committee (refer CC 25/11 on page 51).

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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REPORT OF DIRECTOR CORPORATE SERVICES

CORPORATE SERVICES DIVISION

o-CS1	Request for Donation from Village Sponsors for Ongoing Support Work in the Lautem Village, Timor Leste
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Reference: 2155/1, 600/27
Responsible Officer: Manager Governance

Reporting on a request received from Mr Peter Snell, President, Rotary Club of Bentley-Curtin [inc] of Bentley, Western Australia, for a \$2,000 donation to support the Rotary Club for a project in the Lautem Village, Timor Leste.

MN 243/11

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

1. **THAT** a donation of \$2,000 be allocated to the Rotary Club of Bentley/Curtin [inc] of Bentley, Western Australia for its two (2) projects detailed in the report for the Village of Lautem, Timor Leste **AND THAT** the funds be allocated from Council's Donation Vote.
2. **THAT** representation be made to Rotary Moss Vale, Rotary Berrima and Bowral Mittagong Rotary Club advising them of the Lautem Timor Leste project being undertaken by the Rotary Club of Bentley / Curtin [inc] Western Australia and seeking consideration of financial support towards the project.
3. **THAT** the Rotary Club of Bentley / Curtin [inc] be advised of Council's decision in this matter.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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REPORT OF DIRECTOR CORPORATE SERVICES

o-CS2 Tulip Time Road Closures for Street Parades and Activities, Bong Bong Street & Wingecarribee Streets, Bowral

Reference: 1671/8, 7420/3
Responsible Officer: Manager Tourism

Requesting Council approval to adopt the proposed Street closures for Bong Bong Street and Wingecarribee Street, Bowral as part of the Tulip Time Festival.

MN 244/11

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

1. **THAT permission be granted for the Tulip Time Street Parade to be held on Saturday 24 September 2011 from 2.45pm to 6.45pm subject to the satisfactory completion of all requirements of the Guide to Traffic and Transport for Special Events for a Class 2 Event.**
2. **THAT the organisers advise Southern Highlands Taxis of the times that the main Bowral rank in Bong Bong Street, Bowral will be unavailable.**

PASSED



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

o-CS3 Proposed Purchase of a Mary Poppins Birthplace Maquette

Reference: 1650/23
Responsible Officer: Manager Governance

To seek direction as to whether Council wishes to pursue the purchase of a limited edition 30cm high solid bronze maquette (statuette) of Mary Poppins.

MN 245/11

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

THAT Council purchase a maquette for the amount of \$6,000.00 to be funded from the 2011/12 Contingency Vote.

PASSED



INFRASTRUCTURE SERVICES DIVISION

o-IS1 Local Government Shires' Association NSW 2011 Water Management Conference

Reference: 600/8, 203/4, 7790
Responsible Officer: Director Infrastructure Services

The purpose of this report is to advise Council of the Local Government Shires' Association NSW 2011 Water Management Conference to be held in Grafton from Wednesday 14 to Thursday 16 September 2011.

MN 246/11

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

THAT the Mayor and General Manager be delegated authority to approve up to two (2) Councillors attending the Water Management Conference each year.

PASSED

o-IS2 Medway Road by Boral

Reference: 7300, 7301/7, 7400, RD 3010, 107/6
Responsible Officer: Director Infrastructure Services

This matter was dealt with earlier in the Meeting (refer OC 136/11).



COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 Conduct Reviewer Reports – Code of Conduct Allegations against Councillor Duncan Gair

Reference: 800/2
Responsible Officer: General Manager

To present the report of the Sole Conduct Reviewer following the Reviewer's investigations into alleged breaches of the Code of Conduct by Councillor Duncan Gair.

Interest: Clr J Mauger declared a pecuniary interest in this matter as he has a potential claim for damages. He left the Chamber, took no part in the debate and refrained from voting on the matter.

The General Manager addressed Council on this matter.

MN 247/11

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

THAT the report be noted AND THAT Council accept that the allegations against Clr T D Gair are not substantiated.

PASSED

Clr J Mauger rejoined the Meeting.

EXTENSION OF TIME

MN 248/11

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

THAT in accordance with Council's Code of Meeting Practice, Council approves an extension of time to 8.00 pm.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 July 2011

NOTICE OF MOTION

NOTICE OF MOTION

c-NM1 07/2011 – Notice of Motion – Neighbourhood Notification Policy

Reference: 100/4, 5201/3
Responsible Officer: Manager Environmental Assessment

Councillor Larry Whipper has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 13 July 2011:

1. THAT Council review the Neighbourhood Notification Policy of the Shire.
2. THAT an information session for Councillors be convened within the month of July and a report come to Council after the information session outlining an appropriate feedback strategy for engagement and comment from the residents of the Shire.
3. THAT after receiving feedback from the community, Council bring a final report to Council before the end of the year to consider our Neighbourhood Notification Policy.

MN 249/11

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

1. **THAT Council review the Neighbourhood Notification Policy of the Shire.**
2. **THAT an information session for Councillors be convened within the month of July and a report come to Council after the information session outlining an appropriate feedback strategy for engagement and comment from the residents of the Shire.**
3. **THAT after receiving feedback from the community, Council bring a final report to Council before the end of the year to consider our Neighbourhood Notification Policy.**

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
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NOTICE OF MOTION

c-NM2	08/2011 – Notice of Motion – Green Waste Services
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Reference: 100/4, 7503/21
Responsible Officer: Manager Business Services

Councillor Larry Whipper has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 13 July 2011:

1. THAT Council introduce a monthly Green Waste Pick-up Service for the residential areas of the Wingecarribee Shire.
2. THAT each household within Council garbage pickup area be provided with a separate bin as many other Council's provide to facilitate the collection of green waste on a monthly basis.

MN 250/11

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

1. **THAT** Council introduce a Green Waste Pick-up Service for the residential areas of the Wingecarribee Shire effective from 1 July 2012 **AND THAT** a further report be brought back to Council based on this timeframe and subject to community consultation.
2. **THAT** each household within Council garbage pickup area be provided with a separate bin as many other Councils provide to facilitate the collection of a green waste service.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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NOTICE OF MOTION

c-NM3 09/2011 – Notice of Motion – Coal Mining within Wingecarribee Shire

Reference: 100/4, 5305
Responsible Officer: Director Environment & Planning

Councillor Larry Whipper has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 13 July 2011:

Interest: Clr J Mauger declared a pecuniary interest in this matter as he is the owner of coal reserves in Wingecarribee Shire. He left the Chamber, took no part in the debate and refrained from voting on the matter.

Interest: Clr G McLaughlin declared a less than significant non-pecuniary interest in this matter as he is employed by Boral. He vacated his chair but remained in the Chamber, and took no part in the debate and refrained from voting on the matter.

1. THAT Council write to the Honourable Barry O'Farrell, Premier of NSW; the Honourable Brad Hazzard, Minister for Planning; the Honourable Chris Hartcher, Minister for Resources and Energy; the Honourable Pru Goward, Member for Goulburn; and Mr Brett Whitworth, Regional Director of Planning Illawarra to register our concerns relating to all new proposals for underground coal mining, and the exploration and extraction of coal seam gas within the Wingecarribee Shire.
2. THAT Council highlight these concerns based on a lack of credible and conclusive scientific evidence to provide the assurance that such activities will not have a long term and irreparable impact upon groundwater reserves within the Shire or upon Sydney's Drinking Water Catchment.
3. THAT Council seek an assurance from the Minister for Planning and the Minister for Resources and Energy that the Licensees will be put on formal notice and that key reviews e.g. Land Use Planning and Aquifer Interference, are being done noting that these may have an impact on the ability of the government to grant a product licence.
4. THAT in light of these concerns Council request the relevant Ministers to reject the renewal application by Hume Coal for AUTH349 in November 2011 and also the renewal application for PEL469 by Leichhardt Resources in April 2012, until such time as there is conclusive evidence that these activities will have no impact upon ground and surface waters within the Shire or Sydney's Drinking Water Catchment.
5. THAT Council's Environment and Planning Department convene a meeting with a delegation of representatives from the Southern Highlands Coal Action Group (SHCAG) to prepare complimentary submissions on these applications.
6. THAT Council seeks a representative from the SHCAG to attend the arbitration meeting between Council and Planet Gas when it is convened.
7. THAT Council draft a Motion for the 2011 Local Government Conference, seeking support for our position on mining and coal seam gas exploration and production, within water catchment areas and areas deemed inappropriate by the local council of that area.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 July 2011

NOTICE OF MOTION

MN 251/11

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

1. **THAT** Council write to the Honourable Barry O'Farrell, Premier of NSW; the Honourable Brad Hazzard, MP, Minister for Planning & Infrastructure; the Honourable Chris Hartcher, MP, Minister for Resources and Energy; the Honourable Pru Goward, MP, Member for Goulburn, Minister for Family and Community Services and Minister for Women; the Honourable Katrina Hodgkinson, MP, Minister for Primary Industries and Small Business and Mr Brett Whitworth, Regional Director of Planning Illawarra to register our concerns relating to all new proposals for underground coal mining, and the exploration and extraction of coal seam gas within the Wingecarribee Shire.
2. **THAT** Council highlight these concerns based on a lack of credible and conclusive scientific evidence to provide the assurance that such activities will not have a long term and irreparable impact upon groundwater reserves within the Shire or upon Sydney's Drinking Water Catchment.
3. **THAT** Council seek an assurance from the Minister for Planning and the Minister for Resources and Energy that the Licensees will be put on formal notice and that key reviews e.g. Land Use Planning and Aquifer Interference, are being done noting that these may have an impact on the ability of the government to grant a product licence.
4. **THAT** in light of these concerns Council request the relevant Ministers to reject the renewal application by Hume Coal for AUTH349 in November 2011 and also the renewal application for PEL469 by Leichhardt Resources in April 2012, until such time as there is conclusive evidence that these activities will have no impact upon ground and surface waters within the Shire or Sydney's Drinking Water Catchment.
5. **THAT** Council's Environment and Planning Department convene a meeting with a delegation of representatives from the Southern Highlands Coal Action Group (SHCAG) to prepare complimentary submissions on these applications.
6. **THAT** Council seeks a representative from the SHCAG to attend the arbitration meeting between Council and Planet Gas when it is convened.
7. **THAT** Council draft a Motion for the 2011 Local Government Conference, seeking support for our position on mining and coal seam gas exploration and production, within water catchment areas and areas deemed inappropriate by the local council of that area.
8. **THAT** Council establish a Community Coal Reference Panel and appoint a Councillor Chair and alternative to head this Panel and the Director Environment & Planning or his representative also be included in the membership AND THAT Council invite the SHCAG and the Medway Residents Group to nominate two (2) members from each group as panel members.

PASSED

Clr J Mauger and Clr G McLaughlin rejoined the Meeting.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 July 2011

NOTICE OF MOTION

c-NM4 10/2011 – Notice of Motion – Foreign Land Ownership

Reference: 100/4
Responsible Officer: Manager Governance

Councillor Juliet Arkwright has given notice that it is her intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 13 July 2011:

THAT Wingecarribee Shire Council support the NSW State Government in its representations to the Federal Government seeking a register of foreign land ownership in NSW AND THAT Council also make representation to the Local Federal Member, Mr Stephen Jones MP, Member for Throsby, requesting that the Federal Government revise the land value threshold of transactions that come under the scrutiny of the Foreign Investment Review Board.

MN 252/11

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

THAT Wingecarribee Shire Council encourage the NSW State Government to make representations to the Federal Government seeking a register of foreign land ownership in NSW AND THAT Council also make representation to the Local Federal Member, Mr Stephen Jones MP, Member for Throsby, requesting that the Federal Government revise the land area and value thresholds of transactions that come under the scrutiny of the Foreign Investment Review Board AND FURTHER THAT this matter be forwarded to the 2011 Local Government Association Annual Conference for consideration as a Motion.

PASSED



COMMITTEE REPORTS TABLED

c-CR1 Management and Advisory Committee Reports

Reference: 107/1
Responsible Officer: Manager Strategic & Community Development

Submitting minutes of ten (10) Committee meetings that will be tabled for information.

MN 253/11

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

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

1. ***Bong Bong Common Management Committee held Tuesday 19 April 2011.***
2. ***Moss Vale Senior Citizens and Community Centre Management Committee held Monday 18 April 2011.***
3. ***Moss Vale Senior Citizens and Community Centre Management Committee held Monday 20 June 2011.***
4. ***Hill Top Community Centre Committee held Thursday 19 May 2011.***
5. ***Hill Top Community Centre Committee held Thursday 21 April 2011.***
6. ***Jurd Park Management Committee held Tuesday, 19 October 2011.***
7. ***Canyonleigh Hall Management Committee held Monday 24 January 2011.***
8. ***Canyonleigh Hall Management Committee held Monday 14 March 2011.***
9. ***Loseby Park Youth Centre Management Committee held Wednesday 4 May 2011.***
10. ***Welby Community Hall Management Committee held Monday 12 April 2011.***

PASSED



COMMITTEE REPORTS ATTACHED

c-CR2 Minutes of the Internal Audit Committee

Reference: 2102/3
Responsible Officer: Director Corporate Services

Submitting minutes of the Internal Audit Committee held on Monday, 30 May 2011.

MN 254/11

MOTION moved by Clr D Stranger and seconded by Clr J Mauger:

THAT recommendations Nos IAC 02/11 and IAC 03/11 as detailed in the minutes of the Internal Audit Committee Meeting held on Monday, 30 May 2011 be adopted AND THAT it be noted that both Clrs Stranger and Mauger were in attendance at the Meeting AND FURTHER THAT Clr J Arkwright be recorded as an apology for the Meeting (IAC 02/11).

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 July 2011
GENERAL BUSINESS

GENERAL BUSINESS

The Mayor Clr K Halstead suspended General Business at this Meeting due to time constraints.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 July 2011

CLOSED COUNCIL

CLOSED COUNCIL

cc-GM1	Legal Report
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Reference: 107/22
Responsible Officer: Environmental Assessment Unit Leader

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 issues arising in the past month.

Public Interest

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

CC 25/11

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

1. **THAT** in relation to the costs claim in Land and Environment Court legal case 11272 of 2007 for Tuite, Council authorise the Mayor and General Manager to receive legal advice from Council's legal representatives and defend any such application for costs made by the applicant in accordance with the best interests of Council **AND THAT** authority be given for any documents requiring the assent of Council in the furtherance of the defence of this matter to be affixed with the Common Seal of the Council as necessary.
2. **THAT** information relating to ongoing legal cases be noted.
3. **THAT** the Environmental Assessment Compliance Register, Ranger Court Register and Legal Cost information be noted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 July 2011

COUNCIL

107/10

MN 256/11

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

THAT Council moves from Closed Council back into Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

107/9

MN 257/11

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

THAT the recommendation of the Closed Council held on Wednesday, 13 July 2011 being CC 25/11 be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

107/10

MN 258/11

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

THAT the recommendations of the Open Council held on Wednesday, 13 July 2011 being OC 131/11 to OC 136/11, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 July 2011

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.10 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 13 July 2011 numbered M/N 223/11 to M/N 258/11, were signed by me hereunder at the Council Meeting held on Wednesday, 27 July 2011.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 22 JULY 2011

CHAIRMAN

PUBLIC OFFICER