

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/10



held on Wednesday, 10 August 2011

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, 10 August 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, 10 August 2011

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 D Stranger
Clr P B Tuddenham

IN ATTENDANCE: Acting General Manager Mr Barry Paull
Director Environment & Planning Mr Scott Lee
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 Haldane Rowan of Capernwray.



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APOLOGY

There were no apologies at this meeting.

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 27 JULY 2011

100/1

MN 275/11

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 27 July 2011 MN 259/11 to MN 274/11 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

BUSINESS ARISING

1. CLARENCE STREET CAR PARK 7460/26, 7472/1, 7472/5

Clr D Stranger referred to his General Business Question and asked for an update on the Clarence Street Car Parking Project.

The Director Infrastructure Services advised that there have been a number of activities over the past week and these works will continue for the next two (2) weeks. He advised that the line marking is booked for the last week of August and then the landscaping work will be undertaken early in September for completion of the project.

2. PLAN OF MANAGEMENT FOR BUNDANOON OVAL AND JORDANS CROSSING PARK 7124, 6529/6, 6529/4

Clr L A C Whipper asked about his General Business Questions on page 24 and for confirmation that there is a Briefing Session arranged for Councillors.

The Director Environment & Planning advised that the Briefing Session has been arranged for Wednesday, 17 August 2011 at 3.00 pm.



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DECLARATIONS OF INTEREST

101/3

Clr P B Tuddenham declared a pecuniary interest in Item o-EP4 - Section 96 Modification Proposed Markets, Former Goods Shed, Mittagong Railway Station, Mittagong – as he owns a property in Station Street, Mittagong from which he operates a business. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.

Clr T D Gair declared a non-significant non-pecuniary interest in Item o-EP6 – Report Following Public Exhibition of the Draft Fitzroy Falls Development Control Plan - as he owns a business and resides at Fitzroy Falls. He stated that he would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.

PUBLIC FORUM

LUA2011/0299

Interest: Clr P B Tuddenham declared a pecuniary interest in this matter as he owns a property in Station Street, Mittagong from which he runs a business. He left the Chamber, took no part in the debate and refrained from voting on the matter.

Mr Helmut Rohde representing Jinglemoney Pty Ltd requested and was granted approval to speak on the following matter in the Agenda:

- o-EP4 - Section 96 Modification Proposed Markets, Former Goods Shed, Mittagong Railway Station, Mittagong

The Mayor Clr K Halstead thanked Mr Rohde for his comments and noted that the matter will be considered later in the meeting.



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OPEN COUNCIL

MN 276/11

107/11

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

THAT Council moves into Open Council to discuss various matters listed in the Agenda with Clr Duncan Gair in the Chair.

PASSED

At this juncture Clr P B Tuddenham rejoined the Meeting.



VISITOR ITEM

v-EP1 Proposed Seven (7) New Classrooms at Oxley College, Lot 14 DP 858747, Railway and Osborne Roads, Burradoo

Reference: LUA2011/0235
Responsible Officer: Manager Environmental Assessment

This report is about a Development Application which seeks development consent for seven (7) new classrooms within a single storey building which will contain classrooms for students from Kindergarten to Year 6 at Oxley College.

Mr Keith Jolly addressed Council on this matter on behalf of the objectors.

Mr Grant Williamson, Head of College, addressed Council on this matter on behalf of the applicant.

The Manager Environmental Assessment addressed Council on this matter.

OC 147/11

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

THAT Development Application LUA2011/0235 for seven (7) new classrooms for students from Kindergarten to Year 6 at Oxley College, Lot 14 DP 858747, Railway and Osborne Roads, Burradoo, be approved subject to standard conditions of consent imposed by Council, conditions required by the Sydney Catchment Authority and the following specific conditions:

- (i) restricting the primary school building to a maximum number of one hundred & forty (140) children and seven (7) staff to ensure Building Code of Australia (BCA) compliance and estimated traffic generation rates;***
- (ii) increasing the number of car parking spaces by the 12 that have been lost and an additional 8 to allow for the increase in staff, resulting in an additional 20 spaces being required;***
- (iii) Sydney Catchment Authority conditions of consent, including conditions addressing stormwater management, bio retention basins, and construction activities;***
- (iv) the use of material obtained from the proposed demolition of the existing tennis courts for use as road base in the construction of additional carparking to reduce waste leaving the site and improve environmental impact of construction;***
- (v) implementation of an Operational Traffic Management Plan, which would include traffic counts, and which increases the efficiency with which students can be set-down/picked up within the existing on-site area accessed from Railway Road, and appropriate "No Stopping" signposting be installed for the full frontage of the school within Osborne Road;***



- (vi) *specific details of selected acoustic barrier, and landscaping measures proposed to minimise its visual impact;*
- (vii) *if mechanical plant and equipment is proposed to serve the building, that a full evaluation be conducted on mechanical plant which may be proposed to serve the classrooms for noise emissions to residences on the eastern boundary of the site;*
- (viii) *additional landscaping to road and side boundaries, the protection of existing hedge, and any acoustic barriers to be appropriately landscaped to soften their appearance;*
- (ix) *there be no vehicular access via Osborne Road for drop off or pick up other than for purposes of emergency vehicles; and*
- (x) *subject to the recommendations of the Traffic Committee, and if required, traffic calming devices in Yean Street be constructed, at the applicant's expense.*

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

THAT this matter be deferred pending a full Operational Traffic Management Plan (the Plan) being prepared AND THAT the matter be returned to Council for consideration as soon as possible after receipt of the Plan.

LOST

VOTING ON THE AMENDMENT

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	

MOTION PASSED

.....Cont'd



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

.....Cont'd

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

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



OPEN COUNCIL

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 20 July and 2 August 2011.

OC 148/11

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

THAT the information relating to Development Consent Determined Nos 1-8 under Delegated Authority and Development Consent Refused Nos 1-2 be received and noted.

PASSED

Matters Arising from Land Use Applications Determined by Way of Approval Under Delegated Authority

1. ITEM 5 – EARTHWORKS IN PREPARATION FOR INDUSTRIAL DEVELOPMENT – CRYSTAL FALLS, 22 DRAPERS ROAD, BRAEMAR LUA11/0370

Clr G McLaughlin asked for additional information in relation to this matter via the Weekly Circular.

The Manager Environmental Assessment advised that this will be done.



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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 20 July to 2 August 2011, some of which will be dealt with under delegated authority of the Director of Environment and Planning.

The Manager Environmental Assessment advised that notification has now been received from the Office of Liquor and Gaming in relation to the proposal by Chambers Cellars, but this notification does not appear in the list of Land Use Applications Received by Council. He advised that Council is responding along the lines that development consent has not been given for the premises for use as a packaged liquor shop, so that process will need to be undertaken first up.

OC 149/11

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

THAT the information regarding the List of Land Use Applications Nos 1 - 6 received by Council be received and noted.

PASSED

Matters Arising from Land Use Applications Received by Council

1. ITEM 6 - REFURBISHMENT OF EXISTING RETAIL PREMISES, TOYWORLD & NETWORK VIDEO – COMMON WALLS REORGANISED, 320-326 BONG BONG STREET, BOWRAL LUA11/0682

Clr L A C Whipper asked for further information in relation to this matter.

The Manager Environmental Assessment advised that further information will be provided in the Weekly Circular.



o-EP3 Proposed Alterations and Additions to Construct New Oncology Unit Within Southern Highlands Private Hospital at Lot 3 DP 858938, corner Bowral and Sheffield Streets, Bowral

Reference: LUA2011/0544
Responsible Officer: Manager Environmental Assessment

This report is about a Development Application for alterations and additions to the existing Bowral Private Hospital to provide for an oncology unit within the open basement area created by the current design of the hospital's existing eastern wing.

The Manager Environmental Assessment addressed Council on this matter.

OC 150/11

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

THAT development application LUA2011/0554 for a new Oncology Unit at the Southern Highlands Private Hospital, Lot 3 DP 858938, corner Bowral and Sheffield Streets, Bowral, be approved subject to conditions as described 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	x	
Clr J Mauger	x	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP4	Section 96 Modification Proposed Markets, Former Goods Shed, Mittagong Railway Station, Mittagong
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Reference: LUA2010/0672.01

Responsible Officer: Manager Environmental Assessment

This report considers an application under Section 96 of the Environmental Planning and Assessment Act to modify the development consent previously issued for temporary markets to be held in the grounds around the former Mittagong Goods Shed, Mittagong Railway Station, Mittagong.

Interest: Clr P B Tuddenham declared a pecuniary interest in this matter as he owns a property in Station Street, Mittagong from which he runs a business. He left the Chamber, took no part in the debate and refrained from voting on the matter. Clr Tuddenham advised that he needs to leave the meeting at 5.30 pm and if this matter goes on longer then he will not rejoin the meeting.

OC 151/11

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

1. **THAT** development application LUA2010/062.01 for the use of ARTC land in the grounds around the former Goods Shed, Mittagong Railway Station, Mittagong, for markets be modified as follows:

- (a) **Insert Deferred Commencement condition:**

Market Operation Guidelines:

- A **Management Guidelines document must be prepared to demonstrate to Council how the markets are to be operated with a focus on local produce and how local retailers (particularly those within the Mittagong Town Centre) are to be given the opportunity to participate in the markets (ie, to have a stall) where interested.**

The Guidelines should be similar to those for the Adelaide Showground (a copy of which is attached) and include details of:

- i) **Allowable products as per 3.8 and 3.11 of the Adelaide Markets Rules and Regulations (but applicable to the local region);**
- ii) **Stall holder eligibility as per the above; and**
- iii) **Include documentary evidence of product sourcing.**

.....Cont'd

.....Cont'd

(b) Insert additional conditions:

Temporary Use

This approval is for the temporary use of the site for markets for a maximum number of sixty (60) days (whether or not consecutive days) within a twelve (12) month period from the date of the first market. Council is to be notified of the commencement date of the first market. No on-site storage for the markets is approved by this consent.

Car Parking

Prior to the commencement of the markets the applicant is to submit to Council an on site car parking plan providing for stall holders vehicles and additional to this a minimum of 70 visitor car parking spaces. The proposed car park design once approved by Council must be completed prior to the operation of the markets.

The internal driveway and car park shall be design and constructed in accordance with the following requirements:

- i) The existing driveway and vehicle crossing within the Council road reserve shall be upgraded to facilitate the increased vehicle movements. A concrete vehicular gutter layback and concrete footpath crossing 6 metres wide at the property boundary and across the road reserve, with a splayed concrete layback at the kerb line, shall be constructed at the driveway entrance in accordance with Council's Plan No SD108. The levels and formwork shall be inspected and approved by Council prior to pouring,*
 - ii) The car parking, pedestrian circulation and market stall areas within the site must have an even surface and be free from trip hazards. Crushed gravel, quarry cracker dust or equivalent material shall be to satisfy this requirement. It is noted that the existing railway ballast is not considered a suitable surface for the proposed use,*
 - iii) The car parking, pedestrian circulation and market stall areas shall be regularly maintained to a suitable standard as per the above condition.*
- 2. THAT the applicant be advised that Council considers the appropriate mechanism to determine the long term use of the land is a Planning Proposal and, if the Mittagong Markets are to continue for longer than twelve (12) months, Council expects a Planning Proposal to be submitted during that period.**
 - 3. THAT an Information Session be held for Councillors to determine whether, as a matter of policy, markets which are limited to a maximum monthly operation will be considered without the provision of on-site car parking, while markets that operate more frequently must demonstrate adequate on-site carparking.**

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	x	
Clr J Mauger	x	
Clr D Stranger	x	
Clr P B Tuddenham	A	
Clr L A C Whipper	x	

At this juncture Clr P B Tuddenham retired from the meeting.

o-EP5 Appointments and Resignations of 355 Management Committee Member

Reference: 7208/1

Responsible Officer: Manager Strategic and Community Development

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

OC 152/11

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

1. **THAT Council accepts with regret the resignation of Mr Joe Buhagiar from the East Bowral Community Centre Management Committee and that Mr Buhagiar be notified of Council's determination.**
2. **THAT East Bowral Community Centre Management Committee be notified of Council's determination.**

PASSED



o-EP6 Report Following Public Exhibition of the Draft Fitzroy Falls Development Control Plan

Reference: 5700/77
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 Draft Development Control Plan (DCP) for the Village of Fitzroy Falls and recommend that the draft DCP be adopted.

Interest: Clr T D Gair declared a non-significant non-pecuniary interest in this matter as he owns a business and resides at Fitzroy Falls. He remained in the Chamber, took part in the debate and voted on the matter.

OC 153/11

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

THAT the draft Fitzroy Falls Development Control Plan, as exhibited and circulated separately, be adopted.

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	A	
Clr L A C Whipper	x	



**o-EP7 Development Assessment Continuous Improvement Working Group
Operational Review**

Reference: 5302
Responsible Officer: Director Environment & Planning

To establish a working group of Councillors and senior staff to ensure an ongoing focus on the improvement of the development assessment system.

OC 154/11

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

THAT Council agree to establish the Development Assessment Continuous Improvement Working Group in accordance with the Terms of reference attached to this report.

PASSED

o-EP8 Draft Deed of Variation to Douglas Road Planning Agreement

Reference: 5701/27
Responsible Officer: Manager of Strategic and Community Development

The purpose of this report is to discuss the proposed Deed of Variation to the Douglas Road Planning Agreement with Kevin Dunlop, KND Nominees PTY, Ross Gordon Hales and Ronald James Arkcoll.

The Director Environment & Planning addressed Council on this matter.

OC 155/11

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

1. **THAT the Draft Deed of Variation be placed on public exhibition for 28-days pursuant to Section 93G of the Environmental Planning and Assessment Act 1979 and Clause 25D of the Environmental Planning and Assessment Regulation 2000.**
2. **THAT a further report be forwarded to Council on the Deed of Variation following the exhibition period.**

PASSED



CORPORATE SERVICES DIVISION

o-CS1 Transition to Integrated Planning and Reporting Framework

Reference: 501/2011
Responsible Officer: Corporate Planner

To advise reporting requirements under the Integrated Planning and Reporting (IPR) framework and seek direction on frequency of reporting to Council.

OC 156/11

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

1. **THAT Council endorse the development and consideration of a report detailing progress in implementing W2031+ at its final meeting.**
2. **THAT Council receives six (6) monthly progress reports against the implementation of the Delivery Program.**
3. **THAT Council receives quarterly budget reviews statements and revised estimates through Council's Finance Committee.**
4. **THAT Council receive an annual report detailing achievement in implementing the Delivery Program, audited financial statements, information required by the Regulations and Guidelines AND THAT in the year of an ordinary election an outline of achievement in implementing W2031+ and a State of the Environment Report.**

PASSED



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REPORT OF DIRECTOR CORPORATE SERVICES

o-CS2 Wingecarribee Shire Council Publication Guide

Reference: 1420/19
Responsible Officer: Manager Governance

Reporting on and seeking endorsement of the amended Publication Guide in relation to the *Government Information (Public Access) Act 2009*.

The Director Corporate Services advised that there is a correction to the report on page 109 under No 12 – Policy Documents and advised that the following words were excluded “to Information Officer and is available on Council’s website.”

The Director Corporate Services advised that he will ensure that the correction is made prior to the document being placed on the website.

OC 157/11

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

THAT in accordance with Section 21 of the Government Information (Public Access) Act 2009 the Wingecarribee Shire Council amended Publication Guide be adopted with the inclusion of the following sentence in Item 12 –Policy Documents:

“Council has a register of policy documents which is maintained by Council’s Right to Information Officer and is available on Council’s website.”

PASSED



o-CS3 Pensioner Rate Rebate Write Off and Claim

Reference: 2211/2010
Responsible Officer: Manager Financial Services

Submitting a report on the details of amounts abandoned for pensioner rates rebates granted on general rates, garbage accounts, water and sewerage accounts from 1 September 2010 to 30 June 2011.

OC 158/11

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

1. **THAT Council authorise the abandonment and write off of \$388,492.64 for Pensioner Rebates granted from 1 September 2010 to 30 June 2011.**
2. **THAT \$213,670.95 be claimed from the State Government as part of Claim No 142 prior to 1 October 2011.**

PASSED

CHAIRPERSON

At this juncture, the time being 5.24 pm, the Mayor Clr K Halstead resumed the Chair to conduct the remainder of Council Business.



INFRASTRUCTURE SERVICES DIVISION

o-IS1	Expression of Interest for the Provision of Design & Project Management services for the Indoor Aquatic Centre
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Reference: 6704/4.1
Responsible Officer: Special Projects & Contracts Engineer

To report the recommendations for the Expression of Interest process and to recommend that Council undertakes a select tender process to engage a suitably qualified and experienced Consultant to provide design and project management services for the proposed indoor aquatic centre.

The Director Infrastructure Services addressed Council on this matter.

MN 277/11

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

1. ***THAT Council confirms that the selection process for a suitably qualified and experienced Consultant for the provision of design and project management services for the proposed Moss Vale indoor aquatic facility be by select tender.***

2. ***THAT Council endorse the recommendation of the Expression Of Interest Evaluation Panel in relation to the short listing the following companies to invite them to tender in relation to the provision of design and project management services for the proposed Moss Vale indoor aquatic facility:***
 - (a) ***ABA Construction Managers Pty Ltd***
 - (b) ***Davis Langdon Australia Pty Ltd***
 - (c) ***Facility Design Group Pty Ltd***
 - (d) ***GHD Pty Ltd***

PASSED



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QUESTIONS FROM THE PUBLIC

QUESTIONS FROM THE PUBLIC

1. PROPOSED 7 NEW CLASSROOMS AT OXLEY COLLEGE, LOT 14 DP 858747,
RAILWAY AND OSBORNE ROADS, BURRADOO LUA2011/0235

Ms Jenny Smith referred to this matter and asked how does Council propose to negate the safety issues without fencing off Osborne Road?

The Mayor Clr K Halstead advised that Council has resolved to stop vehicular access in Osborne Road. He advised Council will be in a better position to consider the traffic concerns when it receives the Traffic Management Plan and that Council may be required to look further at the traffic conditions at that time.

2. QUESTIONS FROM THE PUBLIC 1300/8.1, 100

Mr Peter Smyth asked when he will get answers to his questions raised at the Council meetings. He advised that the questions are not regularly answered, and asked if the questions with the answers beside them can be placed on Council's website?

The Acting General Manager advised that there is a record of the questions asked and answered in the Resolution Index which is considered by Directors on a monthly basis, and that he will meet with Mr Smyth regarding this if required. The Acting General Manager advised that there are issues relating to the Privacy Act and if the questions contain personal information, Council would most likely be required to seek approval of those persons and that could be a problem. He advised that this is something that Council will investigate.

The Mayor Clr K Halstead advised that all questions asked by members of the public should be answered and wanted members of the public who were present to be aware that Council has been advised by the Division of Local Government that it does not want this forum to take place.

The Manager Governance advised that the General Manager had provided an answer to Mr Smyth's question in the Weekly Circular on 10 June 2011 and that the Weekly Circular was on Council's website.

3. ABANDONED VEHICLES 5509/2

Mr Peter Smyth asked if the number of abandoned vehicles in the report was 280.

Clr T D Gair advised that he would have to take the question on notice but the report stated there were 280 reports of vehicles, however, that figure included shopping trolleys, dead dogs and everything else, so he is unsure of the exact number of vehicles.

The Acting General Manager advised a complaint was made to Council and an investigation was conducted internally, but not by the Mayor, and then an external party engaged to do a review. He advised that the review was carried out by Wollondilly Council, but subsequent to that Council resolved to employ KPMG to conduct an external investigation. He advised that he is not sure that 280 is the correct number of vehicles but the figure refers to all matters reported in Council's impounding register and includes a range of things such as shopping



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QUESTIONS FROM THE PUBLIC

trolleys, lost items, etc. The Acting General Manager confirmed that the investigation was carried out under the powers that the General Manager has.

Clr T D Gair confirmed that he did not have the authority to conduct an investigation on a Council related item.

4. ROAD MAINTENANCE SYSTEM 7810/3

Mr Peter Smyth asked about the budget implications for road maintenance, and asked how much more has been allocated in this year's budget as against last year's budget?

The Director Infrastructure Services advised that he will take this question on notice.

5. ROBERTSON SEWERAGE SCHEME 7650

Mr Terry Oakes-Ash referred to the shares of AJ Lucas which had ceased trading and asked:

- (i) Does Council know if the Company has been able to re-capitalise and raise sufficient funds to maintain its existence?
- (ii) If so, when will the shares be re-traded?

The Director Infrastructure Services advised that AJ Lucas has given assurances about their ability to undertake the Robertson Sewerage Scheme and so far they have delivered on every one of those assurances, including doubling of the securities that they have lodged with Council for the project. He advised that in regard to their trading on the stock market he would need to seek some advice from the company and he will relay that information back to Mr Oakes-Ash. The Director Infrastructure Services advised that AJ Lucas has recently been awarded the Kangaroo Valley Sewerage contract, which is valued at about \$18 million, so all the signs are good.

6. COUNCIL'S WEBSITE 1300/8.1

Mr Ian Scandrett asked which members of staff were responsible for the revamp of the Website, as he would like to compliment the staff as it is a great website and the information is very good.

The Acting General Manager advised that it was done by Council staff.



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held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 10 August 2011

QUESTIONS FROM THE PUBLIC

7. ESTIMATE OF RATES AND WAGES

501/2011, 2120/2011

Mr Ian Scandrett asked if he could have a rough estimate of Council's rate income and Council's current gross wages bill. He advised that he sees the positions that Council advertises and that generally it is \$150,000 to \$200,000 in total wages between these positions. He asked if Council will now look at a jobs freeze with any essential positions to come to Council in view of the fact that the current rates income is not far from the current wages.

The Acting General Manager advised that Council sets the budget each year and the organisational structure, and that he will provide the requested information to Mr Scandrett.



OPEN COUNCIL (CONT)

INFRASTRUCTURE SERVICES DIVISION (CONT)

o-IS2 Road Maintenance Systems

Reference: 7810/3
Responsible Officer: Manager Assets

This report advises Council of the implementation of proactive road maintenance management systems and recommends the adoption of national standards for maintenance activities and the definition of road functional hierarchy for Council's roads.

The Director Infrastructure Services addressed Council on this matter.

MN 278/11

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

1. **THAT** the AUS-SPEC set of standard maintenance specifications for the maintenance of all assets be adopted.
2. **THAT** the road hierarchy definition listed in Table 1 of this report be adopted.
3. **THAT** the implementation of proactive maintenance systems and the use of REFLECT software for road maintenance management be noted.
4. **THAT** the target inspection frequency listed in Table 3 of this report, which will be reviewed within six (6) months be noted.
5. **THAT** an information session be held with Councillors to discuss road maintenance practices.

PASSED



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REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

o-IS3 Road Naming Issue: Naming of Unnamed Public Lane, Running North off Mount Road, Bowral, Parish of Mittagong, County of Camden

Reference: 7810/12
Responsible Officer: Manager Assets

The objective of the report is for the Council to name the unnamed public road off Mount Road, Bowral.

MN 279/11

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

THAT the Road Naming Issue: Naming of Unnamed Public Lane, Running North off Mount Road, Bowral, Parish of Mittagong, County of Camden, be deferred to the next full meeting of the Council to be held on Wednesday, 24 August 2011 when there is a full complement of Councillors present in the Chamber.

PASSED



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on Wednesday, 10 August 2011

REPORT OF THE GENERAL MANAGER

COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 2011 Local Government Association Conference – Shoalhaven

Reference: 204/2011
Responsible Officer: Manager Governance

Reporting on the 2011 Local Government Association Annual Conference to be held in Shoalhaven from Sunday 23 to Wednesday 26 October 2011 and requesting Council to appoint delegates to attend the conference.

It was noted that a decision was made that all Councillors would have the opportunity of attending the Annual Conference this year as it is being held at Shoalhaven and that Councillors will be able travel to and from the conference on a daily basis, and that no accommodation will be required.

MN 280/11

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

1. **THAT** all Councillors be authorised to attend the Local Government Association Annual Conference to be held in Shoalhaven from Sunday 23 October 2011 to Wednesday 26 October 2011, as visitors, with the following Councillors to have voting rights at the Conference:
 - (a) Clr K Halstead
 - (b) Clr L A C Whipper
 - (c) Clr J G Arkwright

2. **THAT** the General Manager be authorised to attend the Local Government Association annual Conference as an observer to be held in Shoalhaven from Sunday 23 October 2011 to Wednesday 26 October 2011.

PASSED



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COMMITTEE REPORTS

COMMITTEE REPORTS

COMMITTEE REPORTS ATTACHED

c-CR1 Minutes of the Access Committee

Reference: 1828/3
Responsible Officer: Manager Strategic and Community Development

Submitting minutes of the Access Committee held on Monday, 20 June 2011.

MN 281/11

MOTION moved by Clr T D Gair and seconded by Clr D Stranger:

THAT the actions as detailed in the minutes of the Access Committee held on Monday, 20 June 2011 be noted.

PASSED



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COMMITTEE REPORTS

GENERAL BUSINESS

1. GENERAL BUSINESS QUESTIONS

101/2

Clr J Mauger advised that he had sent two (2) questions with notice on Tuesday, 2 August 2011 at 4.20 pm and asked why they had not been included in the Business Paper?

The Acting General Manager advised that the fax from Councillor Mauger was received by Council at 4.57 pm on Wednesday, 3 August 2011 and that was too late for inclusion in the Business Paper as it was received after close of business.

2. DEMOLITION OF REDUNDANT PLANT, BORAL CEMENT, BERRIMA LUA10/1230

Clr D Stranger referred to the memo from the Director Environment & Planning on this matter and asked for further elaboration.

The Director Environment & Planning advised that Councillors would recall that when the LUA was first lodged there was some information circulated on the proposed demolition program that Boral had underway, and that when the consent was issued there was a particular condition of consent imposed that required Boral to provide Council with some historical information before their demolition program was completed. He advised that Boral has been preparing some historical archival material of the site and the buildings that were slated for demolition and that Council's Heritage Planner is still considering that material. He further advised that Boral is eager to continue the program and the purpose of the memo was to make Councillors aware that the program of demolition is proceeding.

3. EMPTYING OF RUBBISH BINS IN THE BOWRAL CBD

7502/2

Clr J G Arkwright referred to an item raised at the Finance Committee, although not part of the Finance Committee Agenda, and asked if Council would review the frequency and timing of the emptying of the bins in Bowral, particularly in the CBD?

The Acting General Manager advised that he will have staff investigate this matter.

4. APPLICATION FOR CHAMBERS CELLARS

PN1771050, PN1769960

Clr L A C Whipper referred to the article in the Southern Highland News regarding the application for Chambers Cellars and asked if this matter was dealt with by a private certifier rather than it coming to Council for determination. He advised that it was his understanding that liquor licences are dispensed by the Liquor Board but as part of that process Council needs to make a submission, and he asked for clarification of this matter.

The Director Environment & Planning advised that Council has only recently received notification of the licence and, as a result of that, Council has contacted Chambers Cellars to advise that the premises do not have the appropriate development consent. He advised that the comments that Council makes generally relate to the service of alcohol on site at premises such as clubs, restaurants, cafes, and so forth, and not retail licences which are a



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different category. The Director Environment & Planning advised that he will clarify this issue for Councillors.

The Mayor Clr K Halstead asked if a very brief report could be prepared for Councillors.

Clr L A C Whipper asked also if an Information Session could be held for Councillors.

The Director Environment & Planning advised that he will provide information for Councillors via the Weekly Circular.

5. COAL SEAM GAS EXPLORATION/LONG WALL MINING 5305

Clr L A C Whipper advised that he has received representations from a resident at Belanglo who has an occupational permit over 550 acres of State Forest land and, without any notification at all, the resident was told that the mining company was going to go onto the land and start doing exploration drilling, which they did. Clr Whipper stated that it appeared that the licence agreement with the resident may have been breached. He asked if Council could write expressing its concerns of the process in relation to notification.

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

6. MITTAGONG HERITAGE TRAIL 1602/10, 5650

Clr J R Clark referred to the Mittagong Heritage Trail which was raised at the Finance Committee, and asked for an update on the progress on this matter and a timeline for completion of the project. He noted that the proposal was put forward several years ago and is yet to be completed despite funds being available.

The Acting General Manager advised that he will have staff investigate this matter.

7. COUNCIL'S ELECTRICITY SUPPLY AUTHORITY 7330

Clr G McLaughlin asked if Council could make representations to Council's electricity supplier pointing out that they may find themselves in court in relation to not inspecting street lighting within the Shire, as many lights do not get fixed until reported by the public. Clr McLaughlin advised that an inspection in the Mittagong CBD indicated that many lights do not work, and perhaps a request could be made that they instigate a policy of doing regular inspections.

The Acting General Manager advised that this request will be done.



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CLOSED COUNCIL

CLOSED COUNCIL

GENERAL MANAGER

cc-GM1 Closed Council

There are no Closed Reports for this Meeting.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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ADOPTION OF OPEN COUNCIL

107/10

MN 282/11

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

THAT the recommendations of the Open Council held on Wednesday, 10 August 2011 being OC 147/11 to OC 158/11, be adopted.

PASSED

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.30 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 10 August 2011 numbered M/N 275/11 to M/N 282/11, were signed by me hereunder at the Council Meeting held on Wednesday, 24 August 2011.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 24 AUGUST 2011

CHAIRMAN

PUBLIC OFFICER
