

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/10



held on Wednesday, 24 August 2011

The meeting commenced at 3.31 pm.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 24 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, 24 August 2011

COMMENCING AT: 3.31 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

IN ATTENDANCE:

General Manager	Mr Jason Gordon
Director Corporate Services	Mr Barry Paull
A/Director Environment & Planning	Mr Les Pawlak
Director Infrastructure Services	Mr Michael Brearley
Manager Governance	Mr Peter Nelson
P/A 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 J Mauger to undertake Acknowledgement of Country.

Clr J Mauger 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 Lloyd Vidler of Bowral Uniting Church.



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APOLOGY

PERS

M/N 283/11

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

THAT the apology of Clr P B Tuddenham be accepted and leave of absence granted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY,
10 AUGUST 2011

100/1

MN 284/11

MOTION moved by Clr T D Gair and seconded by Clr J R Clark:

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 10 August 2011 MN 275/11 to MN 282/11 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting, with the following correction:

1. c-GM1 - 2011 LOCAL GOVERNMENT ASSOCIATION CONFERENCE -
SHOALHAVEN 204/2011

Clr T D Gair requested that the words "at this stage" be included at the end of the notation on page 27, which was his understanding of the discussion at the Meeting. The notation would now read as follows:

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 to travel to and from the conference on a daily basis, and that no accommodation will be required, at this stage.

PASSED

.....Cont'd



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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.....Cont'd

BUSINESS ARISING

2. GENERAL BUSINESS QUESTIONS

101/2

The Director Corporate Services advised that a clarification needed to be noted in relation to a Notice of Motion that Clr J Mauger had submitted to Council, and in General Business Clr Mauger asked why the Notice of Motion did not make it into the Agenda. The Director Corporate Services advised that the response that he gave was that the Notice of Motion was received outside the required timeframe for Notices of Motion in accordance with Council's Code of Meeting Practice. He advised that at the time Clr Mauger did question that. The Director Corporate Services advised that the matter has since been investigated and that he acknowledged that Clr Mauger had actually forwarded a facsimile at 4.24 pm on Tuesday, 2 August 2011. He stated that the document that was actually received was date stamped 3 August 2010 at 4.57 pm, and he needed to clarify the situation, as the date stamp on the fax was clearly outside the time requirements of the Code of Meeting Practice for a Notice of Motion. He advised that it has since been established that, due to a power blackout, the facsimile machine that Clr Mauger uses from his home (which is a Council provided fax machine), there was an issue with the date and time on that facsimile machine and that is why the date and time stamp on the document received at Council was incorrect and this has mislead staff and Clr Mauger. The Director Corporate Services wished this clarification to be noted.



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DECLARATIONS OF INTEREST

101/3

Clr J Clark declared a non-pecuniary interest in Item cc-GM4 Legal Issues – as a person involved in one of the issues in the report is a friend of his. He stated that he would leave the chamber when the matter was discussed, take no part in the debate and refrain from voting thereon.

Clr L A C Whipper declared a non-pecuniary interest in Item cc-GM4 Legal Issues – as a person involved in one of the issues in the report is a friend of his. He stated that he would leave the chamber when the matter was discussed, take no part in the debate and refrain from voting thereon.

Clr J Mauger declared a pecuniary interest in Item c-MM4 - Coal Seam Gas Submission – as he has interests in coal and coal seam gas. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.



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MAYORAL MINUTE

MAYORAL MINUTE

c-MM1 Australian Local Government Association – Request for Support for Roads to Recovery Program

Reference: 102/5, 7801
Responsible Officer: Manager Governance

The Australian Local Government Association (ALGA) has written to Council requesting its support for a campaign for increased and ongoing Roads to Recovery Program funding. ALGA will be launching local government's Road to Recovery campaign at the 2011 National Local Roads and Transport Congress being held in Mount Gamier from 16 – 18 November 2011.

MN 285/11

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

THAT in relation to the request from the Australian Local Government Association concerning support for the Roads to Recovery Program, Council make representations to the Prime Minister, The Hon Julia Gillard, MP, the Leader of the Opposition, The Hon Tony Abbott, MP, the Minister for Infrastructure and Transport, The Hon Anthony Albanese, MP, the Shadow Minister for Infrastructure and Transport, The Hon Warren Truss, MP, and the Member for Throsby, Mr Stephen Jones, MP, requesting the following:

1. **Recognition of the successful delivery of the Roads to Recovery Program by local government since 2000;**
2. **Continuation of the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;**
3. **Continuation of the Roads to Recovery Program with the current administrative arrangements; and**
4. **Provision of an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.**

PASSED



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MAYORAL MINUTE

c-MM2 Authorisation of General Manager for the Employment of Day Labour Staff

Reference: 102/5
Responsible Officer: General Manager

The purpose of this Mayoral Minute is to seek authority for delegation to the General Manager, under the *Local Government Act 1993*, to employ Council's day labour staff, in preference to external contractors, in the undertaking of Council's core business activities.

MN 286/11

MOTION moved by Clr T D Gair and seconded by Clr J R Clark:

THAT Council hold an information session to review Council's Policy in relation to employing external contractors in preference to Council's day labour and the cost effectiveness and social benefits thereof.

PASSED

c-MM3 Illawarra Academy of Sport

Reference: 102/5, 6600/5
Responsible Officer: Manager Governance

The purpose of this Mayoral Minute is twofold, firstly to nominate a Councillor representative to fill the current vacancy on the Board of the Illawarra Academy of Sport and, secondly, to seek Council's support to increase the financial assistance that it provides to the Illawarra Academy of Sport from \$6,000 to \$10,000, effective from the 2012/13 financial year together with an annual increase to include CPI.

MN 287/11

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

1. **THAT Clr David Stranger be appointed as Council's delegate on the Illawarra Academy of Sport.**
2. **THAT the annual donation for financial assistance provided to the Illawarra Academy of Sport be increased from \$6,000 to \$10,000 effective from the 2012/13 budget year AND THAT the allocation of funding be increased by CPI annually thereafter.**

PASSED



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MAYORAL MINUTE

c-MM4 Coal Seam Gas Submission

Reference: 102/5, 7950 & 5305/8
Responsible Officer: Manager Governance

Seeking Council's approval to allow the Community Coal Reference Panel (appointed by Council at its meeting held on 13 July 2011) to make a submission to the Legislative Council (General Purpose Standing Committee NO 5) which is a Parliamentary Committee investigating the environmental, economic and social impacts of coal seam gas mining in NSW and the role of coal seam gas in meeting the future energy needs of NSW will also be examined by the committee.

The Committee is currently seeking submissions from interested individuals and groups, with a closing date of Wednesday 7 September 2011. The writer should state the objective of the report, purpose and likely outcome.

Interest: Clr J Mauger declared a pecuniary interest in this matter as he has interests in coal and coal seam gas. He left the Chamber, took no part in the debate and refrained from voting on the matter.

Interest: Clr G McLaughlin declared a non-pecuniary interest in this matter as he is employed by Boral, the company which owns the Berrima Coal Mine. He left the Chamber, took no part in the debate and refrained from voting on the matter.

MN 288/11

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

THAT approval be granted to the Community Coal Reference Panel, which includes representatives from Southern Highland Coal Action Group (SHCAG) and Medway Residents Group to make a submission on behalf of Council to the Legislative Council General Purpose Standing Committee NO 5 by the closing date of Wednesday, 7 September 2011.

PASSED

At this juncture Clr J Mauger and Clr G McLaughlin rejoined the meeting.



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MAYORAL MINUTE

PUBLIC FORUM

LUA2011/0315

Mr Danien Beets representing “Highlands Trails” requested and was granted approval to speak on the following matter in the Agenda:

c-NM2 11/2011 – Notice of Motion – Mountain Trail Bike Facility

Mrs Annie Pidgeon representing “Looking After Bundanoon” requested and was granted approval to speak on the following matter in the Agenda:

c-NM2 11/2011 – Notice of Motion – Mountain Trail Bike Facility

The Mayor Clr K Halstead thanked Mr Beets and Mrs Pidgeon for their comments and noted that the matter will be considered later in the meeting.

SUSPENSION OF STANDING ORDERS

Clr L A C Whipper requested that standing orders be suspended to allow Item c-NM2 - 11/2011 – Notice of Motion – Mountain Trail Bike Facility - to be heard at this juncture of the meeting as there were members of the public present in the gallery for this matter.

MN 289/11

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

THAT standing orders be suspended to allow Item c-NM2 - 11/2011 – Notice of Motion – Mountain Trail Bike Facility to be considered.

PASSED



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MAYORAL MINUTE

c-NM2 11/2011 – Notice of Motion – Mountain Trail Bike Facility

Reference: 100/4, LUA11/0315, 6529/4
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 24 August 2011:

1. THAT Council defer any consideration of the proposed Mountain Trail Bike Facility in Jordan's Crossing and Bundanoon Oval until such time as the new Plan of Management for these parks is completed.
2. THAT all stakeholders be notified of this decision of Council and invited to make submissions on the Plan of Management during the consultation process.

The General Manager addressed Council on this matter.

MN 290/11

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

1. **THAT** Council defer any consideration of the proposed Mountain Bike Facility in Jordan's Crossing and Bundanoon Oval until such time as the new Plan of Management for these parks is completed **AND THAT** the Plan of Management be expedited with an extended period of exhibition to two (2) months **AND FURTHER THAT** the Plan of Management be forwarded to Council for consideration at the first Ordinary Meeting in February 2012, ie, Wednesday, 8 February 2012.
2. **THAT** all stakeholders be notified of this decision of Council and invited to make submissions on the Plan of Management during the consultation process.

PASSED



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MAYORAL MINUTE

OPEN COUNCIL

MN 291/11

107/11

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

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

PASSED



OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

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

Reference: 5302
Responsible Manager: Manager Environmental Assessment

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 3 – 15 August 2011.

OC 159/11

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

THAT the information relating to Development Consent Determined Nos 1-7 under Delegated Authority and Development Consent Refused No 1 be received and noted.

PASSED



o-EP2 List of Land Use Applications Received by Council

Reference: 5302
Responsible Manager: Manager Environmental Assessment

Submitting list of development applications which have been received between 3 – 15 August 2011, some of which will be dealt with under delegated authority of the Director of Environment and Planning.

The Acting Director Environment & Planning advised that an application has been received (but is not included in the List of Land Use Applications Received by Council as it was not received until Friday of last week), for the proposed markets at Bradman Oval, the details of which are LUA11/0746.

OC 160/11

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

THAT the information regarding the List of Land Use Applications Nos 1-6 received by Council be received and noted, with the exception of Item 2 – Dwelling, 107 Merrigang Street, Bowral (Bowral Conservation Area) (LUA11/0709), Item 4 – Demolition of Certain Structures, Tree Removal and 5 Lot Subdivision, Kerever Park Convent, Accommodation for Sisters, 4 Ranelagh Road, Burradoo (LUA11/0705) and Item 6 – 18 Lot Subdivision, Plattwood, 96 Erith Street, Bundanoon (LUA11/0724).

PASSED

1. ITEM 2 - DWELLING, 107 MERRIGANG STREET, BOWRAL (BOWRAL CONSERVATION AREA) LUA11/0709

The Mayor Clr K Halstead requested that this matter be referred to Council for determination.

OC 161/11

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

THAT Item 2 - Dwelling, 107 Merrigang Street, Bowral (Bowral Conservation Area) (LUA11/0709) be forwarded to Council for consideration and determination.

PASSED

2. ITEM 4 – DEMOLITION OF CERTAIN STRUCTURES, TREE REMOVAL AND 5 LOT SUBDIVISION, KEREVER PARK CONVENT, ACCOMMODATION FOR SISTERS, 4 RANELAGH ROAD, BURRADOO LUA11/0705

Clr J G Arkwright asked if further details could be provided in relation to this matter and requested it be referred to Council for determination.



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

The Acting Director Environment & Planning advised that further information in relation to this application will be provided in the Weekly Circular.

OC 162/11

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

THAT Item 4 – Demolition of Certain Structures, Tree Removal and 5 Lot Subdivision, Kerever Park Convent, Accommodation for Sisters, 4 Ranelagh Road, Burradoo (LUA11/0705) be forwarded to Council for consideration and determination.

PASSED

3. ITEM 6 – 18 LOT SUBDIVISION, PLATTWOOD, 96 ERITH STREET, BUNDANOON LUA11/0724

Clr J G Arkwright requested that this matter be brought to Council for determination.

OC 163/11

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

THAT Item 6 – 18 Lot Subdivision, Plattwood, 96 Erith Street, Bundanoon (LUA11/0724) be forwarded to Council for consideration and determination.

PASSED

4. PROPOSED MARKETS, LOT 12 DP 787940, ST JUDE STREET, BOWRAL (BRADMAN OVAL) LUA11/0746

The Mayor Clr K Halstead requested that this matter be referred to Council for determination.

OC 164/11

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

THAT LUA11/0746 for Proposed Markets, Lot 12 DP 787940, St Jude Street, Bowral (Bradman Oval) be forwarded to Council for consideration and determination.

PASSED



o-EP3 Section 82A Application - 2 Lot Subdivision, Lots 11 and 12, Section 7, DP 792, No 29 Willow Street, Willow Vale

Reference: LUA2011/0470
Responsible Officer: Manager Environmental Assessment

This report is about an application under s82A of the *Environmental Planning and Assessment Act 1979* ("EP and A Act") seeking a review in relation to a condition of development consent for a recently approved 2 lot subdivision.

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

OC 165/11

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

THAT the Section 82A – 2 Lot Subdivision, Lots 11 and 12, Section 7, DP 792, No 29 Willow Street, Willow Vale be deferred to the full meeting of the Council to be held on Wednesday, 14 September 2011 following an inspection to be conducted that day AND THAT the Applicant be invited to attend the on-site inspection.

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-EP4 Proposed 5 Lot Residential Subdivision, Lots 1 and 2 DP 1043370, No 66 Osborne Road, Burradoo

Reference: LUA2008/1286
Responsible Officer: Manager Environmental Assessment

This report has been prepared in accordance with the following resolution by Council on 24 November 2010:

“THAT development application LUA2008/1286 for the subdivision of Lots 1 and 2 DP1043370, No 66 Osborne Road Burradoo , into five (5) lots, be deferred subject to an Information Session for Councillors allowing for further consideration of flooding issues AND THAT following the Information Session the matter be referred to a future Ordinary Meeting of Council.”

OC 166/11

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

THAT development application LUA2008/1286 for a five (5) lot residential subdivision of Lots 1 and 2 DP 1043370, No 66 Osborne Road, Burradoo be approved subject to conditions as described in Attachment 4 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	A	
Clr L A C Whipper	x	

Dissenting vote: Clr J Mauger requested that his dissenting vote be recorded in respect of this motion.



o-EP5 Proposed Two Lot (2) Torrens Title Subdivision of Lot 2 DP 1113246, No 16 Carrington Street, Bowral

Reference: LUA2011/0454
Responsible Officer: Manager Environmental Assessment

This report is about a development application to subdivide the subject land into two (2) Torrens Title lots.

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

OC 167/11

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

1. ***THAT Council support the objection pursuant to Clause 4.6 Exceptions to Development Standards for a departure from the 700m² metre development standard in Wingecarribee Local Environmental Plan 2010 to enable a subdivision into two (2) lots, resulting in two (2) lots each containing one (1) villa on a lot with an area of 460m², at Lot 2 DP 1113246, No 16 Carrington Street, Bowral.***
2. ***THAT development application LUA2011/0454 for the subdivision of Lot 2 DP 1113246, No 16 Carrington Street, Bowral into two (2) lots as described in 1 above be approved subject to conditions as described in Attachment 4 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	A	
Clr L A C Whipper	x	



o-EP7 Policy for Lodgement of a Land Use Application

File Reference: 5302/12
Responsible Officer: Manager Environmental Assessment

This report builds upon the report to the Council meeting on 10 August 2011 concerning the Ongoing Process Review Program In Development Assessment. The report is the first of many detailing initiatives aimed at strengthening Council's process and reviewing performance in this important and sometimes contentious area of Council's operations.

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

OC 169/11

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

1. **THAT the Policy for the Lodgement of a Land Use Application in Attachment 1 to the report be placed on public exhibition for a period of thirty (30) days.**
2. **THAT a further report be brought back to Council at the expiry of the public exhibition to recommend a final position on the subject Policy.**

PASSED

Dissenting vote: Clr J Mauger requested that his dissenting vote be recorded in respect of this motion.

CHAIRPERSON

At this juncture, the time being 5.05 pm, the Mayor Clr K Halstead remained in the Chair to conduct the remainder of Council Business.



o-EP8 Appointments and Resignations of Access Committee Members

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

To report on the appointments and resignations of Access Committee Members.

MN 292/11

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

THAT the resignation of Ms Diane Clarke from the Access Committee be accepted with regret AND THAT Ms Clarke be notified of Council's determination.

PASSED

o-EP9 Additional Community Representative on Heritage Advisory Working Group

Reference: 107/16.1
Responsible Officer: Manager Strategic and Community Development

The purpose of this report is to review the existing structure of the Heritage Advisory Working Group to allow an additional community representative, increasing the number of community representatives on the Working Group from two (2) to three (3), and to seek a resolution of Council to effect this change.

MN 293/11

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

1. **THAT the structure of the Heritage Advisory Working Group be amended to increase the number of community representatives from a maximum of two (2) to a maximum of three (3).**
2. **THAT Council appoints Mr Dennis McManus and Mr Ian Stapleton to the Heritage Advisory Working Group and that Mr McManus and Mr Stapleton be notified of Council's determination.**

PASSED



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP10 Legal Issues

Reference: 107/22
Responsible Officer: Environmental Assessment Unit Leader

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

The Legal Issues report contains information on:

MN 294/11

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

THAT the Report be noted AND THAT the matter be considered in Closed Council (refer Item cc-GM4 – Legal Issues CC 28/11 on page 37).

PASSED



CORPORATE SERVICES DIVISION

o-CS1 Investments as at 31 July 2011

Reference: 2104
Responsible Officer: Manager Financial Services

Submitting details of Council's Investments as at 31 July 2011.

The Director Corporate Services addressed Council on this matter.

MN 295/11

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

THAT the information on Council's Investments as at 31 July 2011 be received and noted.

PASSED

o-CS2 Exeter Park, Exeter Road, Exeter being Part lot 4 Sec C DP 3170 Concept Plan for Alterations and Additions

Reference: 7209
Responsible Officer: Manager Business Services

The purpose of this report is to seek approval for the Concept Plan for a Land Use Application to be submitted for Alterations and Additions to Exeter Park facilities.

The Director Corporate Services addressed Council on this matter.

MN 296/11

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

1. **THAT Council adopts the attached Concept Plan, as per Attachment 1 of the report, for the Exeter Hall upgrade as the preferred option, subject to the moving of the door to increase the size of the internal store (hall).**
2. **THAT Council develops the Concept Plan to a stage where the project is ready to commence including a Land Use Application approval.**
3. **THAT subject to the land use application being approved, that funding be considered in the 2012/13 budget AND THAT grant funding be sought subject to the land use application approval.**

PASSED



INFRASTRUCTURE SERVICES DIVISION

o-IS1 Road Naming Issue: Naming of unnamed public lane, running north off Mount Road, Bowral, Parish of Mittagong, Country 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 297/11

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

THAT the name of the unnamed laneway off Mount Road be approved as 'Crago Lane' AND THAT a sign be placed at the appropriate location to name the hill 'Notts Hill'.

PASSED



o-IS2 Tenders For The Construction (With Minor Design) Of Alum Bund At Wingecarribee Water Treatment Plant

Reference: 6330/11.04
Responsible Officer: Manager Assets

This report is on the evaluation of tenders for *Construction (With Minor Design) of Alum Bund at Wingecarribee Water Treatment Plant* and subsequent recommendation for approval of the preferred tenderer.

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

MN 298/11

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

THAT the following recommendation, as detailed in Closed Council (Item cc-GM2), be adopted:

- (a) **THAT** the Schedule of Rates Tender of Malsave Pty Ltd in the sum of \$314,028 inclusive of GST, be accepted for the Contract for the Construction (With Minor Design) of Alum Bund at Wingecarribee Water Treatment Plant.
- (b) **THAT** the contract documents between Wingecarribee Shire Council and Malsave Pty Ltd for the Construction (With Minor Design) of Alum Bund at Wingecarribee Water Treatment Plant be executed under the Common Seal of the Council.

PASSED

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

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	



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 24 August 2011

QUESTIONS FROM THE PUBLIC

QUESTIONS FROM THE PUBLIC

1. POLICY FOR LODGEMENT OF A LAND USE APPLICATION AND ON-LINE LUA's
5302/12

Mr Ian Scandrett asked will the on-line LUA system mean that Council will be able to effect a reduction in planning staff, not sacking staff but no replacement?

The General Manager advised that until the system is on-line and its performance can be evaluated, it is quite difficult to give a categorical answer. He advised that in some cases some of the improvements that have been looked at in the short-term may require more resources because the next module to it is on-line provision of certificates when people purchase properties. The General Manager advised that the issue will be reviewed continuously as it is implemented.

2. ESTIMATE OF RATES AND WAGES 501/2011, 2120/2011

Mr Ian Scandrett referred to the question that he had asked at the last Council meeting in relation to a freeze on job replacements, and asked if the General Manager will comment on that question and present this issue to Council for discussion?

The General Manager advised that he does not propose to bring a report to Council regarding a freeze on positions. He advised that it is difficult to give a complete response to the question, but he noted that Wingecarribee is a growing Council in terms of budget and delivery and Council now has difficulty in delivering its works programme because resources have not been increased to meet demand. The General Manager advised that Council has expressed on a number of occasions, and it has been raised tonight, that they would prefer to bring some of the externally sourced works back in-house and also through Council's 2031+ programme there has been a demand for certain other services which have been built into the budget and this has a demand on staff resources. He advised that he does not see a need to freeze staff positions, as positions are reviewed when vacancies occur and some positions are not filled automatically.

3. ESTIMATE OF RATES AND WAGES 501/2011, 2120/2011

Mr Ian Scandrett asked whether the Mayor will give consideration to discussing this matter in full Council.

The Mayor Clr K Halstead advised that he will take this question on notice but if he thought it was necessary, he would bring a report forward.

Clr T D Gair advised that he would like to comment on staff freezes and noted that it has never been Council's policy to "willy/nilly" increase Council staff and Council stayed constant for many years on 310 staff (or around that number). He advised that there is a report coming to Council in relation to comments in the press about the Enterprise Zone on the number of jobs and employment and businesses that have moved to that Zone in the last five years.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 24 August 2011

QUESTIONS FROM THE PUBLIC

4. ABANDONED VEHICLES

5509/2

Mr Peter Smyth referred to his question at the last Council Meeting, and asked whether the figure was 280 abandoned vehicles when in the Weekly Circular the figure was stated to be 64.

The General Manager advised that what was stated was what came back from KPMG and he understands their advice was that there was some conjecture over how the number of vehicles came about as there was some difficulty with tracking vehicles.

Mr Peter Smyth asked who came up with the figure of 64 between the years of 1999 and 2007 and is that the bench mark that is being worked to.

The General Manager advised that the investigations were audited by KPMG, and that because of the time period and the record keeping during that period, it was difficult to know the definite number, but KPMG believe there is nothing else that they can reasonably find at this point of time which would warrant any further action. The General Manager advised the matter has also been referred to ICAC and the Police for investigation. He advised that a lot of the vehicles impounded have been destroyed, recycled and whatever else they do with old vehicles.



OPEN COUNCIL (CONT)

INFRASTRUCTURE SERVICES DIVISION (CONT)

o-IS3 Tenders For The Refurbishment Of Ladders And Platform At Bundanoon Dam

Reference: 6330/11.03
Responsible Officer: Manager Assets

This report is on the evaluation of tenders for *Refurbishment of Ladders and Platforms at Bundanoon Dam* and subsequent recommendation for approval of the preferred tenderer by Council.

MN 299/11

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

THAT the following recommendation, as detailed in *Closed Council (Item cc-GM3)*, be adopted:

- (a) **THAT** the Schedule of Rates Tender of *Solid Dynamics Pty Ltd* in the sum of \$310,459 inclusive of GST, be accepted for *Refurbishment of Ladders and Platforms Contract*.
- (b) **THAT** the contract documents between *Wingecarribee Shire Council* and *Solid Dynamics Pty Ltd* *Refurbishment of Ladders and Platforms* be executed under the *Common Seal of the Council*.

PASSED

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

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	



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 24 August 2011

REPORT OF THE GENERAL MANAGER

COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 Draft Private Works Policy

Reference: 104/5
Responsible Officer: General Manager

The purpose of the report is to forward a further report on Council's proposed Private Works Policy following consideration by members of the public following the draft policy being placed on public exhibition.

The General Manager addressed Council on this matter.

MN 300/11

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

1. **THAT** the Draft Private Works Policy as detailed in Attachment 2 of the report be adopted.
2. **THAT** a letter of thanks be forwarded to the member of public that made the submission on Council's Draft Private Works Policy.

PASSED

c-GM2 Report Regarding Council Business Relationship with Welby Garden Centre

Reference: 1855/28
Responsible Officer: General Manager

This matter has been placed in Closed Council under Clause 10A(2)(c) of the Local Government Act as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

MN 301/11

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

THAT the Report be considered in conjunction with Item cc-GM1 – Report Regarding Council Business Relationship with Welby Garden Centre - in Closed Council – (refer also CC 27/11 on page 36).

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 24 August 2011

NOTICE OF MOTION

NOTICE OF MOTION

c-NM1 10/2011 – Notice of Motion – Recordings of Council Meetings

Reference: 100/4
Responsible Officer: Director Corporate Services

Councillor Jim Mauger has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 24 August 2011:

1. THAT Council retain recordings of Council meetings on an indefinite basis.
2. THAT a report be brought to Council listing what recordings of Council Meetings are currently held by Council and on what basis have recordings been destroyed.

MN 302/11

MOTION moved by Cllr J Mauger and seconded by Cllr K Halstead:

1. **THAT Council retain recordings of Council meetings on an indefinite basis, with the exception of Closed Council, which is not recorded in any event.**
2. **THAT a report be brought to Council listing what recordings of Council Meetings are currently held by Council and on what basis have recordings been destroyed.**

PASSED

c-NM2 11/2011 – Notice of Motion – Mountain Trail Bike Facility

Reference: 100/4, LUA11/0315, 6529/4
Responsible Officer: Director Environment & Planning

This matter was dealt with earlier in the Meeting (refer MN 290/11 on page 10).



COMMITTEE REPORTS TABLED

c-CR1 Management and Advisory Committee Reports

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

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

MN 303/11

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

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

- 1. Penrose Hall and Recreation Reserve Committee held Tuesday 5 April 2011.***
- 2. Hampden Park Management Committee held Thursday 5 May 2011.***
- 3. Mittagong Memorial Hall Management Committee held Thursday 5 May 2011.***
- 4. Robertson Community Centre Management Committee held Wednesday 11 May 2011.***
- 5. East Bowral Community Centre Management Committee held Tuesday 24 May 2011.***
- 6. East Bowral Community Centre Management Committee held Tuesday 28 June 2011.***
- 7. Welby Community Hall 355 Management Committee held Monday 6 June 2011.***
- 8. Burrawang Park Management Committee held Thursday 7 July 2011.***
- 9. Mittagong Memorial Hall Management Committee held Thursday 7 July 2011.***
- 10. Robertson Community Centre Annual General Meeting held Wednesday 11 August 2011.***

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 24 August 2011

GENERAL BUSINESS

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, 1 August 2011.

MN 304/11

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

THAT the recommendations Nos IAC 04/11 to IAC 10/11 as detailed in the minutes of the Internal Audit Committee held Monday, 1 August 2011 be adopted.

PASSED

c-CR3 Minutes of the Finance Committee

Reference: 107/1
Responsible Officer: Director Corporate Services

Submitting minutes of the Finance Committee held on Wednesday, 10 August 2011.

MN 305/11

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

THAT the recommendations Nos FC 04/11 to FC 09/11 as detailed in the minutes of the Finance Committee held Wednesday, 10 August 2011 be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 24 August 2011

GENERAL BUSINESS

GENERAL BUSINESS

1. NSW COMMUNITY CABINET VISIT – ILLAWARRA AND SOUTH COAST

7225/4, 6606/3, 1900

Clr J G Arkwright advised that she had an interview with The Hon George Souris, MP, the Minister for Arts, when the NSW Cabinet visited Kiama on Monday, 15 August 2011, noting that Mr Souris' portfolio also covers tourism. Clr Arkwright advised that she spoke with Mr Souris on the basis that she is Chair of the Arts & Culture Board, and discussed the Bowral Memorial Hall, which is being looked at as a performance space and the Mittagong Bowling Club, and that Council would obviously be looking at seeking funding at both State and Federal levels. Clr Arkwright advised Mr Souris did indicate to her that the Government would be looking in terms of tourism and from the perspective of the arts, it would be looked at on a "cultural tourism" basis. Clr Arkwright asked if Council could look at encompassing some of the cultural activities under the umbrella of what is now known as "cultural tourism" and promoted at the Economic Development and Tourism Working Group.

The Mayor Clr K Halstead noted that Clr Arkwright's discussions with Mr Souris had been quite successful.

2. NSW COMMUNITY CABINET VISIT – ILLAWARRA AND SOUTH COAST

5305

Clr L A C Whipper advised that he, the Mayor and Clr Arkwright met with The Hon Chris Hartcher, MP, the Minister for Resources and Energy in regard to Council's position on coal seam gas mining. Clr Whipper advised that Mr Hartcher assured them that Council would be included in the Strategic Land Use Plans and also the Aquifer Interference Policy. He advised that on the same evening he also met The Hon Katrina Hodginson, MP, the Minister for Primary Industries, and she reiterated that the Aquifer Interference Policy would be on public exhibition soon and that Council would be at the table for that Policy. Clr Whipper advised that there is very genuine concern from the current NSW State Government about the competition of mining against groundwater reserves and agricultural water supply and of course the water supply of Sydney which is 4 million+ customers.



CLOSED COUNCIL

GENERAL MANAGER

cc-GM1 Closed Council

Reference: 107/9
Responsible Officer: General Manager

To consider moving into Closed Council.

At this juncture, the time being 6.04 pm, pursuant to section 10A(4), the Mayor offered the opportunity to members of the public to make representations to Council as to whether any items of the Closed Council should not be considered in Closed Council.

This information would, if disclosed, prejudice the maintenance of the law, AND THAT the press and public be excluded from Closed Council as it is the opinion of the General Manager that publication of the proceedings would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

No objections were received from the members of the public.

MN 306/11

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

1. **THAT Council moves into Closed Council in accordance with the requirements of Section 10 of the Local Government Act 1993 as addressed below to consider the following reports:**

**cc-GMI REPORT REGARDING COUNCIL BUSINESS RELATIONSHIP WITH
WELBY GARDEN CENTRE 1855/28**

Relevant Legal Provisions

This report is referred to Closed Committee under Clause 10A (2)(c) of the Local Government Act, 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Brief Description

This report seeks direction from Council regarding the relationship with Welby Garden Centre (Challenge Southern Highlands).

Public Interest

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



.....Cont'd

**cc-GM2 TENDERS FOR THE CONSTRUCTION (WITH MINOR DESIGN) OF
ALUM BUND AT WINGECARRIBEE WATER TREATMENT PLANT
6330/11.04**

Relevant Legal Provision

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

Brief Description

This report is on the evaluation of tenders for Construction (With Minor Design) of Alum Bund at Wingecarribee Water Treatment Plant and subsequent recommendation for approval of the preferred tenderer.

Public Interest

It would be contrary to the public interest to consider this information in Open Council because it contains information which could confer a commercial advantage.

**cc-GM3 TENDERS FOR REFURBISHMENT OF LADDERS AND PLATFORM AT
BUNDANOON DAM
6330/11.03**

Relevant Legal Provision

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

Brief Description

This report is on the evaluation of tenders for Refurbishment of Ladders and Platforms at Bundanoon Dam and subsequent recommendation for approval of the preferred tenderer.

Public Interest

It would be contrary to the public interest to consider this information in Open Council because it contains information which could confer a commercial advantage.



.....Cont'd

cc-GM4 LEGAL ISSUES

107/22

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.

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

PASSED



CLOSED COUNCIL

cc-GM1 Report Regarding Council Business Relationship with Welby Garden Centre

Reference: 1855/28
Responsible Officer: General Manager

CC 27/11

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

THAT the General Manager have further discussions with Welby Garden Centre relating to a stronger long term relationship.

PASSED

cc-GM2 Tenders for the Construction (With Minor Design) of Alum Bund at Wingecarribee Water Treatment Plant

Reference: 6330/11.04
Responsible Officer: Manager Assets

This matter was dealt with earlier in the meeting (refer M/N 298/11 on page 24).

cc-GM3 Tenders for Refurbishment of Ladders and Platform at Bundanoon Dam

Reference: 6330/11.03
Responsible Officer: Manager Assets

This matter was dealt with earlier in the meeting (refer M/N 299/11 on page 27).



cc-GM4 Legal Issues

Reference: 107/22
Responsible Officer: Environmental Assessment Unit Leader

Interest: The Acting Director Environment & Planning declared a less than significant non-pecuniary interest in this matter as he had a prior involvement in private practice as a consultant to Norlex. He left the Chamber, and took no part in discussions on the matter.

The General Manager addressed Council in relation to various matters contained in the Legal Issues report.

The Director Corporate Services and the Mayor Cllr K Halstead addressed Council in relation to the Songline Place, Burradoo matter.

CC 28/11

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

1. **THAT information relating to ongoing legal cases be noted, with the exception of No 3 - Other Matters - (d) Cunningham Park.**
2. **THAT the Environmental Assessment Compliance Register, Ranger Court Register and Legal Cost information is noted.**
3. **THAT in relation to the matter of unauthorised tree removal and boundary fencing on vacant allotment – Lot 1 DP 1114521 Old Hume Highway, Berrima, Council issue a Penalty Infringement Notice for the tree removal and Notice of Intention To Serve An Order for the appropriate revegetation of the site and removal of the unauthorised sections of the fence.**
4. **THAT if necessary a further report be provided to Council in relation to the reports on fire safety from the NSW Fire Brigade in regard to the four subject properties within the Shire.**

PASSED

At this juncture the Acting Director Environment & Planning rejoined the Meeting.



.....Cont'd

1. CUNNINGHAM PARK TREE MATTER 502, 6810/16, 6551/2

Interest: Clr J R Clark declared a non-pecuniary interest in this matter as a person involved is a friend of his. He left the Chamber, took no part in the debate and refrained from voting thereon, and retired from the meeting.

Interest: Clr L A C Whipper declared a non-pecuniary interest in this matter as a person involved is a friend of his. He left the Chamber, took no part in the debate and refrained from voting thereon, and retired from the meeting.

The General Manager addressed Council on this matter and advised that Council is awaiting receipt of a legal opinion.

CC 29/11

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

THAT the information be noted AND THAT the outstanding legal opinion regarding this matter be presented to the next Ordinary Meeting of the Council to be held on Wednesday, 14 September 2011.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 24 August 2011

COUNCIL

107/10

MN 307/11

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

THAT Council moves from Closed Council into Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

107/9

MN 308/11

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

THAT the recommendations of the Closed Council held on Wednesday, 24 August 2011 being CC 27/11 to CC 29/11 be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

107/10

MN 309/11

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

THAT the recommendations of the Open Council held on Wednesday, 24 August 2011 being OC 159/11 to OC 169/11, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 24 August 2011

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.55 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 24 August 2011 numbered M/N 283/11 to M/N 309/11, were signed by me hereunder at the Council Meeting held on Wednesday, 14 September 2011.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 14 SEPTEMBER 2011

CHAIRMAN

PUBLIC OFFICER