

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/10



held on Wednesday, 28 September 2011

The meeting commenced at 3.30 pm.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 28 September 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, 28 September 2011

COMMENCING AT: 3.30 pm

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

IN ATTENDANCE: General Manager
Director Corporate Services
Director Environment & Planning
Director Infrastructure Services
Manager Governance
P/A to the Mayor

Mr Jason Gordon
Mr Barry Paull
Mr Scott Lee
Mr Michael Brearley
Mr Peter Nelson
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 Chaplain Richard Cormick of the Rural Fire Service.



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APOLOGY

There were no apologies at this Meeting.



MINUTES OF THE ORDINARY MEETING OF COUNCIL
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REPORT OF GENERAL MANAGER

OPEN COUNCIL

SUSPENSION OF STANDING ORDERS
100/1

The Mayor Clr K Halstead requested that Council suspend standing orders for the following items to be determined at this time:

- c-GM1 - Election of Mayor for 2011/2012 Term
- c-GM2 - Election of Deputy Mayor for 2011/2012 Term

MN 327/11

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

THAT *standing orders be suspended to allow the following Items to be considered at this juncture:*

- ***c-GM1 - Election of Mayor for 2011/2012 Term***
- ***c-GM2 - Election of Deputy Mayor for 2011/2012 Term***

PASSED

The Mayor Clr K Halstead then declared the positions of Mayor and Deputy Mayor vacant and vacated the Chair for conducting the election of the Mayor and Deputy Mayor and handed over to the General Manager, Mr Jason Gordon (Returning Officer).



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 28 September 2011

REPORT OF GENERAL MANAGER

c-GM1 Election of Mayor for 2011/2012 Term

Reference: 102/4
Responsible Officer: General Manager

Reporting on the election of the Mayor for the 2011/2012 Term.

MN 328/11

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

1. ***THAT*** the method of voting for the election of Mayor for the 2011/2012 Term be the Open Vote.
2. ***THAT*** should there be a change in the office holder of this position, the Delegations Manual be amended accordingly.

PASSED

The General Manager (Returning Officer) advised that two (2) nominations had been received for the position of Mayor – *Clr T D Gair* and *Clr K Halstead* - and called for further nominations. There were no further nominations received.

The General Manager (Returning Officer) then conducted the initial ballot for the position of Mayor. Upon a show of hands the following votes were recorded:

Clr T D Gair	(3)	Clr D Stranger, Clr T D Gair and Clr G McLaughlin
Clr K Halstead	(6)	Clr J Mauger, Clr P B Tuddenham, Clr K Halstead, Clr J G Arkwright, Clr L A C Whipper and Clr J R Clark

MN 329/11

THAT the General Manager (Returning Officer) declared ***Clr K Halstead*** duly ELECTED as Mayor for the 2011/2012 term.

PASSED



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REPORT OF GENERAL MANAGER

c-GM2 Election of Deputy Mayor for 2011/2012 Term

Reference: 102/1, 102/4
Responsible Officer: General Manager

Reporting on the election of the Deputy Mayor for the 2011/2012 Term.

Section 231 of the *Local Government Act, 1993*, provides that Councillors may elect a person from among their number to be the Deputy Mayor. The Councillor may be elected as Deputy Mayor for the Mayoral term or a shorter term. It is the practice of the Council to elect a Deputy Mayor for the Mayoral term.

MN 330/11

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

1. ***THAT*** the method of voting for the election of Deputy Mayor for the 2011/2012 Term be the Open Vote.
2. ***THAT*** should there be a change in the office holder of this position, the *Delegations Manual* be amended accordingly.

PASSED

The General Manager (Returning Officer) advised that two (2) nominations had been received for the position of Deputy Mayor - *Clr G McLaughlin* and *Clr L A C Whipper* - and called for further nominations. There were no further nominations received.

The General Manager (Returning Officer) then conducted the initial ballot for the position of Deputy Mayor. Upon a show of hands the following votes were recorded:

Clr G McLaughlin (3) *Clr D Stranger, Clr T D Gair and Clr G McLaughlin*

Clr L A C Whipper (6) *Clr J Mauer, Clr P B Tuddenham, Clr K Halstead, Clr J G Arkwright, Clr L A C Whipper and Clr J R Clark*

MN 331/11

THAT the General Manager (Returning Officer) declared *Clr L A C Whipper* duly ELECTED as Deputy Mayor for the 2011/2012 term.

PASSED

ADDITIONAL MOTION – BALLOT PAPERS

The General Manager (Returning Officer), with the conclusion of the voting, requested that Council moves a resolution that the ballot papers be destroyed.

MN 332/11

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

THAT *the ballot papers for the election of the positions of Mayor and Deputy Mayor for 2011/2012 be destroyed.*

PASSED

The Mayor Clr K Halstead assumed the Chair at this juncture.

ACKNOWLEDGEMENTS

Clr T D Gair congratulated Clr K Halstead on his re-election as Mayor and acknowledged the support of Councillors when he ran and was elected for the two terms as Mayor. Clr Gair and he advised that it had been a privilege to serve as Mayor and advised that it will be his last year on Council. Clr Gair also congratulated Clr L A C Whipper on his re-election as Deputy Mayor. He also acknowledged Clr G McLaughlin who served as Deputy Mayor in 2009/2010 and for being elected as Deputy Mayor during his first term on Council.

The Mayor Clr K Halstead thanked Clr Gair for his comments, and also thanked his fellow Councillors who supported him on his re-election as Mayor. He congratulated Clr Gair on his service on Council over the past 14 years and acknowledged Clr Gair's contribution during that time. The Mayor advised that Councillors have a huge commitment and he advised that he looked forward to the next twelve months before the next Council election.

Clr J G Arkwright congratulated Clr Halstead on his re-election as Mayor and Clr L A C Whipper on his re-election as Deputy Mayor. Clr Arkwright noted Clr Gair's long and dedicated service to the Council.

Clr G McLaughlin congratulated Clr Halstead and Clr Whipper on their re-election. He advised that he had been very fortunate and privileged to be elected as Deputy Mayor for the 2009/2010 term of Council, and also acknowledged Clr Gair's service on Council.

Clr L A C Whipper congratulated Clr Halstead on being re-elected as Mayor and thanked Councillors for their support. He passed on his commiserations to Clr Gair and Clr McLaughlin and noted that Councillors had worked cohesively during the current term of Council.

Clr P B Tuddenham congratulated Clr Halstead and Clr Whipper on their re-election and also passed on his commiserations to Clr Gair and Clr McLaughlin, and noted that it is a privilege to be elected as Mayor or Deputy Mayor. He advised that the current system where there can be four Mayors in four years is unworkable. He acknowledged Clr Gair's contribution to the community.



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REPORT OF GENERAL MANAGER

SUSPENSION OF STANDING ORDERS
100/1

The Mayor Clr K Halstead requested that Council suspend standing orders for a five (5) minute break.

MN 333/11

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

THAT standing orders be suspended for a five (5) minute adjournment in proceedings.

PASSED

The meeting adjourned at 4.45 pm and reconvened at 4.50 pm.



CONFIRMATION OF MINUTES

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

100/1

MN 334/11

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 14 September 2011 MN 310/11 to MN 326/11 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting, with the following corrections to OC 189/11 – Postponed Rates Claim, 58 Holly Road, Burradoo and the addition of supplementary comment to c-GM1 – Conduct Review Report – Code of Conduct Allegations Against Councillor:

1. o-CS6 - POSTPONED RATES CLAIM – 58 HOLLY ROAD, BURRADOO P/N 634600
7560/1, PN 634600

The Manager Governance advised that resolution No 1 on page 22 of the Minutes was incorrect and should have been in the affirmative, but noted that resolution No 2 as printed was correct. He advised that recommendation OC 189/11 should correctly have read:

1. ***THAT an adjustment be made equivalent to the estimated value of postponed rates for property number 634600 from 2000/01 to 2005/06 AND THAT the refund of \$1,853.53 be paid to the owners as an ex gratia payment without prejudice.***
2. ***THAT any further write-offs for postponed rates be applied in accordance with the provisions of Section 585 of the Local Government Act, 1993.***

PASSED

2. c-GM1 - CONDUCT REVIEWER REPORTS – CODE OF CONDUCT ALLEGATIONS AGAINST COUNCILLOR 800/2

The Manager Governance advised that Clr J Mauger tabled at the Meeting the following documents:

1. Submission by Clr James Mauger to meeting of Wingecarribee Shire Council dated 14 September 2011 containing seven (7) points.
2. Memo to the Acting General Manager from the Director Corporate Services Mr Barry Paull dated 6 August 2009.
3. Correspondence from Worthington & Reading Lawyers dated 13 September 2011.
4. Correspondence from Worthington & Reading Lawyers dated 28 July 2011.

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REPORT OF GENERAL MANAGER

.....Cont'd

The Manager Governance advised that Cllr L A C Whipper tabled at the Meeting the following document:

1. Statutory Declaration of Ian Scandrett dated 14 September 2011.
-

BUSINESS ARISING

There was no business arising from the Minutes of the Meeting held on Wednesday, 14 September 2011.



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REPORT OF GENERAL MANAGER

DECLARATIONS OF INTEREST

101/3

Clr T D Gair declared a less than significant non-pecuniary interest in Item v-EP1 - Motorcross Trail Riding Complex, Tugalong Road, Canyonleigh – as his son is a friend of the applicant. He stated that he would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.

Clr L A C Whipper declared a less than significant non-pecuniary interest in Item o-EP3 - Seven (7) Lot Subdivision of Lot 1 DP 207739 and Lot 2 DP 790615, Burradoo Road, Burradoo - as he is a member of the Board of the Sydney Catchment Authority (SCA) and the SCA was referred to in the report as a consent body. He stated that he would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.

Clr L A C Whipper declared a less than significant non-pecuniary interest in Item o-EP6 - Donation to a Family Fun Day Event Organised by Wingecarribee Family Support Services – as the organisation he is employed by has a partnership with Wingecarribee Family Support Services. 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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REPORT OF GENERAL MANAGER

PUBLIC FORUM

2155/1, 6701/2

Mrs Judy Mawbey representing the Southern Highlands Cancer Leadership Committee, requested and was granted approval to speak on the following matter in the Agenda:

o-CS4 Southern Highlands Cancer Leadership Committee

The Mayor Clr K Halstead thanked Mrs Mawbey for her comments and noted that the matter will be considered later in the meeting.



MINUTES OF THE ORDINARY MEETING OF COUNCIL
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OPEN COUNCIL

OPEN COUNCIL

107/11

MN 335/11

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

THAT Council moves into Open Council to discuss various matters listed in the Agenda with Cllr Graham McLaughlin in the Chair.

PASSED



VISITOR ITEM

ENVIRONMENT & PLANNING DIVISION

v-EP1 Motorcross Trail Riding Complex, Tugalong Road, Canyonleigh

Reference: LUA10/0582
Responsible Manager: Manager Environmental Assessment

This report provides an assessment and recommendations in relation to a Development Application for a Motocross trail riding complex including camping grounds, amenities building and gatehouse. The applicant for the proposed development is Bunbury Properties Pty Ltd.

Interest: Clr T D Gair declared a less than significant non-pecuniary interest in this matter as his son is a friend of the applicant. He remained in the Chamber, took part in the debate and voted on the matter.

It was noted that the duration for Mr Earp (on behalf of the objectors) and Mr Hume (on behalf of the applicant) to address Council was extended by three (3) minutes to eight (8) minutes.

Mr Steve Earp from Don Fox Planning addressed Council on behalf of the objectors.

Mr Paul Hume from Lean Hayward addressed Council on behalf of the applicant.

The Director Environment & Planning addressed Council on this matter.

OC 190/11

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

1. ***THAT the development application reference LUA 10/0582 for a Motocross trail riding complex including camping grounds, amenities building and gatehouse be refused subject to reasons generally encompassing:***
 - (a) ***The application and associated documentation has failed to demonstrate the proposal can meet the various aims and objectives contained in Wingecarribee Local Environmental Plan 2010 and the Wingecarribee Shire Council Rural Lands Development Control Plan.***
 - (b) ***The application and associated documentation for the site does not contain adequate information to enable an informed decision to be made in relation to the Threatened Species Conservation Act 1995 for Threatened Species known to occur in the locality and potentially on the property. This has implications for Council in regard to its responsibilities under Section 5A of***

.....Cont'd



.....Cont'd

the Environmental Planning and Assessment Act 1979 and the need for Species Impact Statements and a concurrence role for the Office of Environment and Heritage, Council's responsibilities under State Environmental Planning Policy 44 and referrals to the Commonwealth Office of Environment and Heritage due to the Commonwealth Environment Protection & Biodiversity Conservation Act 1999.

- (c) ***The applicant has not achieved any degree of certainty with the Hawkesbury Nepean Catchment Management Authority that a consent under the Native Vegetation Act 2003 can be achieved for the desired clearing of native vegetation associated with the proposal, and Council cannot approve the development application in its current form until some certainty around this issue is provided.***
 - (d) ***The application and associated documentation does not demonstrate the proposal can occur without unacceptable impacts upon the amenity of local residents due to anticipated noise levels.***
 - (e) ***The application and associated documentation provides for an unacceptable impact upon the adjoining Bangadilly National Park.***
2. ***THAT all persons who made a submission in relation to the development application be advised of Council's decision.***

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	



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 30 August 2011 and 16 September 2011

OC 191/11

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

THAT the information relating to Development Consent Nos 1 to 8 (approval) and No 1 (non-approval) under Delegated Authority be received and noted.

PASSED

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



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 30 August 2011 and 16 September 2011, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

OC 192/11

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

THAT the information regarding the List of Land Use Applications Nos 1 to 10 received by Council be received and noted, with the exception of Item 9 – 10 Lot Subdivision, Lot 1 DP 809823, 20 Willow Street, Willow Vale (LUA11/0835).

PASSED

1. ITEM 9 - 10 LOT SUBDIVISION, LOT 1 DP 809823, 20 WILLOW STREET, WILLOW VALE LUA11/0835

Clr L A C Whipper requested that this application be referred to Council for determination.

OC 193/11

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

THAT Item 9 – 10 Lot Subdivision, Lot 1 DP 809823, 20 Willow Street, Willow Vale (LUA11/0835) be referred to an Ordinary Meeting of Council for consideration and determination.

PASSED

.....Cont'd



.....Cont'd

Matters Arising from Land Use Applications Received by Council

1. ITEM 4 – BOUNDARY ADJUSTMENT, LOT 11 DP 1045199, LOT 12 DP 1045199,
DEVON LODGE, ROBINSON STREET, MITTAGONG LUA11/0796

Clr P B Tuddenham requested further information in relation to this application via the Weekly Circular.

2. ITEM 5 – ESTABLISH USE – BARN TO DWELLING – EXISTING DWELLING TO
FARM STAY, LOT 6 DP 737470, LOT 307 DP 751262, BELLE CHEVAL, 662 MYRA
VALE ROAD, WILDES MEADOW LUA11/0799

Clr J R Clark requested further information in relation to this application via the Weekly Circular.

3. ITEM 9 - 10 LOT SUBDIVISION, LOT 1 DP 809823, 20 WILLOW STREET, WILLOW
VALE LUA11/0835

Clr J R Clark requested further information in relation to this application via the Weekly Circular.

The Director Environment & Planning advised that details in relation to these applications will be provided in the Weekly Circular.



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP3 Seven (7) Lot Subdivision of Lot 1 DP 207739 and Lot 2 DP 790615, Burradoo Road, Burradoo

Reference: LUA2009/0986
Responsible Manager: Manager Environmental Assessment

This report is about a Development Application for a seven (7) lot subdivision of Lot 1 DP 207739 and Lot 2 DP 790615, Holly Road / Burradoo Road, Burradoo where each of the proposed seven (7) lots satisfy the minimum area development standard of 4,000m². This Development Application is presented to full Council for determination at the request of the elected Councillors.

Interest: Clr L A C Whipper declared a less than significant non-pecuniary interest in this matter as he is a member of the Board of the Sydney Catchment Authority (SCA) and the SCA was referred to in the report as a consent body. He remained in the Chamber, took part in the debate and voted on the matter.

OC 194/11

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

- THAT Council approve Development Application LUA09/0986 for a seven (7) lot subdivision of Lot 1 DP 207739 and Lot 2 DP 790615, Holly Road / Burradoo Road, Burradoo as a Deferred Commencement approval with the Deferred Commencement condition being that approval under s.100B of the Rural Fires Act 1997 is required prior to general conditions of consent being enacted AND THAT permission be granted for the removal of any radiata pines on the proposed subdivision without any further Council consent AND FURTHER THAT a report on the removal of any vegetation, other than radiata pines, be referred to Council for consideration.**
- THAT those people who made submissions be advised of Council's decision.**

PASSED

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

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



o-EP4 Appointment and Resignations of 355 Management Committee Members

Reference: 6530/1.1, 6549/1.1, 7223/2, 7222/1, 7182/1
Responsible Officer: Manager Strategic & Community Development

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

OC 195/11

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

1. **THAT Council appoints Ms Sandra Everett to the Bong Bong Common Management Committee AND THAT Ms Everett be notified of Council's determination.**
2. **THAT Council accepts with regret the resignation of Mr Ian Webster from the Penrose Hall Management Committee AND THAT Mr Webster be notified of Council's determination.**
3. **THAT Council accepts with regret the resignation of Ms Thelma Robertson from the Wingello Mechanics Institute Hall Management Committee AND THAT Ms Robertson be notified of Council's determination.**
4. **THAT Council appoints Mr Terry James and Mr Douglas Roach to the Wingello Mechanics Institute Hall Management Committee AND THAT Mr James and Mr Roach be notified of Council's determination.**
5. **THAT Council accepts with regret the resignation of Mr Rod Abbey from the Welby Community Hall Management Committee AND THAT Mr Abbey be notified of Council's determination.**
6. **THAT Council appoints Ms Sue Sainsbury to the Loseby Park Youth Centre Management Committee AND THAT Ms Sainsbury be notified of Council's determination.**
7. **THAT Bong Bong Common Management Committee, Penrose Hall Management Committee, Wingello Mechanics Institute Hall Management Committee, Welby Community Hall Management Committee and Loseby Park Youth Centre Management Committee be notified of Council's determination.**

PASSED



o-EP5 Deed of Settlement to Resolve Dispute – Douglas Road Planning Agreement

Reference: 5701/27
Responsible Officer: Director of Environment and Planning

Reporting on a Deed of Settlement to resolve a dispute between Council and parties to the Lot 21 Douglas Road Planning Agreement that could not be resolved as part of the Deed of Variation reported on separately.

OC 196/11

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

THAT the Deed of Settlement report - Item cc-GM1 - be considered in Closed Committee (refer also CC 32/11 on page 49).

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP6	Donation to a Family Fun Day Event Organised by the Wingecarribee Family Support Services
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Reference: 1870/2011
Responsible Officer: Manager Strategic and Community Development

The purpose of this report is to seek Council approval to make a one off donation to Wingecarribee Family Support Services towards a Family fun day as part of the Community Futures Project.

Interest: Clr L A C Whipper declared a less than significant non-pecuniary interest in this matter as the organisation he is employed by has a partnership with Wingecarribee Family Support Services. He left the Chamber, took no part in the debate and refrained from voting on the matter.

OC 197/11

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

1. **THAT \$1,500.00 be donated to the Wingecarribee Community Futures Project Family Fun Day at Kazcare on Sunday 13 November 2011 AND THAT funding be allocated from excess funds of the Community Grants funding.**
2. **THAT the Community Futures Project Officer be advised of Council's decision.**

PASSED

At this juncture Clr L A C Whipper rejoined the meeting.



o-EP7 Wingecarribee Shire Councils Children's Services Policy and Policy Guidelines

Reference: 1825/29.5
Responsible Officer: Manager Strategic and Community Development and
Coordinator of Children's Services

The objective of this report is to submit, in draft, a Policy and Policy Guideline for the operation of Council's Children's Services. Adoption of the Policy and Policy Guidelines will establish and confirm the commitment of the Council as the Licensee/Approved provider to its children's services.

OC 198/11

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

THAT the Wingecarribee Shire Children's Services Policy and associated Guideline (included as Attachments 1 and 2 respectively to the report) which will underpin all future service operational procedures be adopted.

PASSED



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

Reference: 5701/27
Responsible Officer: Manager 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, following its public exhibition.

OC 199/11

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

1. **THAT** the Draft Deed of Variation for the Douglas Road Planning Agreement as detailed in Attachment 1 to the report (which has been circulated under separate cover) be entered into by Council.
2. **THAT** the General Manager be granted delegated authority to sign the Deed of Variation following the signing of the documents by the party consisting of Ronald James Arkcoll, Ross Gordon Hales, Kevin N. Dunlop and KND Nominees Pty Ltd.

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	



QUESTIONS FROM THE PUBLIC

1. ALEXANDER SQUARE, MITTAGONG 6606/3

Dr Leah Day referred to comments made by The Hon Pru Goward, MP, the Member for Goulburn, on radio 2ST this morning that a working group may be formed between the State Liberal Government and Wingecarribee Shire Council to consider removing the trust on Alexandra Square at Mittagong, and asked the following questions:

- (i) Does Council support or have a position on the removal of the trust considering the dire consequences it will have on the people of Mittagong and its original purpose?
- (ii) If a working group is formed, will there be local community representation?
- (iii) If so, Dr Day asked if she could be considered to represent Alexandra Square Associates on the working group?

The Mayor Clr K Halstead advised that these questions will be taken on notice.



OPEN COUNCIL (CONT)

ENVIRONMENT & PLANNING DIVISION (CONT)

o-EP10 Contaminated soil at Highlands Golf Club, Mittagong

Reference: PN1766240
Responsible Manager: Manager Environmental Assessment

This report provides information in relation to the placement of contaminated material upon the Highlands Golf Course, Mittagong and seeks the in principle support from Council for the treatment of that contaminated material in situ as part of a broader program of work being carried out on the golf course, utilizing the importation of certified clean fill from the Renwick residential subdivision.

The Director Environment & Planning addressed Council on this matter.

MN 336/11

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

1. **THAT** Council advise the Highlands Golf Course that it would raise no objection to the lodgement of a Development Application that sought to:
 - (i) import onto the golf course, certified clean fill from the Renwick subdivision site for the purpose of course improvements; and
 - (ii) remediate an area of the course previously impacted by the importation of contaminated material by way of a clay cap or appropriate alternative and re-landscaping.
2. **THAT** a report regarding the history of the illegal dumping and prosecution, or lack thereof, be forwarded to a future Ordinary Meeting of Council.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 28 September 2011
REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP11 Legal Report

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

Reporting on legal issues arising in the past month.

MN 337/11

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

THAT the Legal Issues Report of 28 September 2011 – Item cc-GM2 – be considered in Closed Committee (refer also CC 32/11 on page 50).

PASSED



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 28 September 2011

REPORT OF DIRECTOR CORPORATE SERVICES

CORPORATE SERVICES DIVISION

o-CS1	Land Claim by NSW Aboriginal Land Council – Paddy’s River
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Reference: PN657800, PN1771000
Responsible Officer: Director of Corporate Services

To clarify an earlier report to Council on a land claim made by the NSW Aboriginal Land Council at Paddy’s River, and seek a decision of Council in respect of a submission to be made to the Crown in this regard.

The Director Corporate Services addressed Council on this matter. He advised that when this matter was before Council at its Meeting on Wednesday, 14 September 2011 the reference to “Paddy’s River People” was incorrect due to a cut and paste problem when the Agenda was being prepared. He advised that the application is being made by the NSW Aboriginal Land Council.

MN 338/11

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

1. **THAT** Council authorise the General Manager to respond to the letters received from NSW Crown Lands, dated 11 August 2011, in respect of Aboriginal Land Claims numbered 29890 and 30126.
2. **THAT** Council authorise the General Manager to advise NSW Crown Lands that Council is aware of only two (2) potential existing uses of the land, those being the proposed Green Valley Sand Quarry and the existing fibre-optic cables observed by Council staff on the land.
3. **THAT** Council authorise the General Manager to advise NSW Crown Lands that Council anticipates no need for the land to be retained for residential or public purposes.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 28 September 2011
REPORT OF DIRECTOR CORPORATE SERVICES

o-CS3 Investments as at 31 August 2011

Reference: 2104
Responsible Officer: Manager Financial Services

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

Clr J G Arkwright addressed Council on this matter.

MN 340/11

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

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

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 28 September 2011

REPORT OF DIRECTOR CORPORATE SERVICES

o-CS4 Southern Highlands Cancer Leadership Committee

Reference: 2155/1, 6701/2
Responsible Officer: Manager Business Services

The purpose of this report is for Council to consider assisting Southern Highlands Cancer Leadership Committee with their *Balloons Can Assist* Fundraiser on Sunday 13 November 2011 at Bowral Swimming Pool for Can Assist.

MN 341/11

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

1. **THAT** Council support the *Balloons Can Assist* Fundraiser by marketing the event in Council's newsletter and on Council's website.
2. **THAT** Council allow Can Assist to place a banner advertising the event adjacent to the bus stop outside Bowral Swimming Pool on Mittagong Road, Bowral for a period of two (2) weeks prior to the event.
3. **THAT** Council waive the \$100 booking fee for Bowral Swimming Pool for the event.
4. **THAT** Council waive the \$300 fee for hiring Bowral Swimming Pool's inflatable toy for three (3) hours.
5. **THAT** Council make a donation to Can Assist of \$1,000.00 in lieu of donating all entry fees and kiosk proceeds on 13 November 2011.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 28 September 2011

REPORT OF DIRECTOR CORPORATE SERVICES

o-CS5	Draft Terms of Reference - Economic Development and Tourism Advisory Committee
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Reference: 107/24
Responsible Officer: Economic Development Co-ordinator

The purpose of this report is for Council to consider restructuring the Economic Development and Tourism Working Group into an Advisory Committee and adopt a revised draft Terms of Reference for the Economic Development and Tourism Advisory Committee.

The General Manager addressed Council on this matter.

MN 342/11

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

1. **THAT** Council agrees to the proposed new structure and adopts the revised draft Terms of Reference – Economic Development and Tourism Advisory Committee, as detailed in Attachment 1 to the report, with the exception of “Meeting Schedule” which should read as follows:

“It is anticipated that the Advisory Committee will meet monthly, subject to the discretion of the Chairperson and in consultation with the members.”

2. **THAT** the existing community representatives of the current Economic Development and Tourism Working Group remain in transition until Council appoints new community representatives.
3. **THAT** external applicants be invited to participate in the Economic Development and Tourism Advisory Committee through an Expression of Interest process as per the Terms of Reference as detailed in Attachment 1 to this report.

PASSED



o-CS6 Code of Meeting Practice

Reference: 100/3
Responsible Officer: Manager Governance

Reporting on proposed minor changes to Council's Code of Meeting Practice.

The Director Corporate Services addressed Council on this matter.

MN 343/11

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

1. **THAT** item 2.1.3 of Council's Code of Meeting Practice regarding meeting times of the Council be amended to read as follows:

3.30pm Open Council (Councillors take the chair on a rotational basis).
5.30pm Mayor resumes the Chair for Council
5.30pm Questions from the Public
8.00pm Meeting Concludes – Note: If unfinished business remains in the agenda, the meeting is adjourned to the next Wednesday evening at 6.00pm to complete the residual business of Council or Council may resolve that the remaining items are deferred and referred to the next Ordinary meeting of Council.

Extension of time: Council may extend the meeting by a further 30 minutes by resolution of Council from 8.00pm to 8.30pm

2. **THAT** item 10.13.3 of Council's Code of Meeting Practice be amended to read as follows:

Presentations by members of the public are to be restricted to a maximum of two (2) per Ordinary Meeting and be limited to five (5) minutes duration.

3. **THAT** item 11.1 of Council's Code of Meeting Practice regarding General Order of Business – Ordinary meeting of Council be amended as follows:

1. **OPENING OF THE MEETING**
2. **PRAYER**
3. **PUBLIC FORUM**
4. **APOLOGIES**
5. **ADOPTION OF MINUTES OF ORDINARY MEETING**
6. **BUSINESS ARISING FROM THE MINUTES**
7. **DECLARATIONS OF INTEREST**
8. **MAYORAL MINUTE (if any)**
9. **OPEN COUNCIL**
 - *Visitor Matters*
 - *Environment and Planning*
 - *Corporate Services*
 - *Infrastructure Services*

.....Cont'd



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 28 September 2011

REPORT OF DIRECTOR CORPORATE SERVICES

.....Cont'd

10. **MAYOR TO RESUME CHAIR AT 5.30PM**
11. **COUNCIL MATTERS**
 - **General Manager**
 - **Corporate Services**
12. **NOTICES OF MOTION**
13. **DELEGATES' REPORTS**
14. **PETITIONS**
15. **QUESTIONS FROM THE PUBLIC**
16. **CORRESPONDENCE FOR ATTENTION**
17. **QUESTIONS WITH NOTICE**
18. **COMMITTEE REPORTS (Tabled)**
19. **COMMITTEE REPORTS (Attached)**
20. **GENERAL BUSINESS (Councillors are requested to write matters raised on prescribed forms)**
21. **CLOSED COUNCIL**

PASSED



o-CS7 Legislative Changes to Strengthening Protections for Public Officials – Public Interest Disclosures Act 1994

Reference: 1420/10
Responsible Officer: Manager Governance

The purpose of this report is to advise Council of recent changes in legislation to protect public officials who disclose wrongdoing in accordance with the Public Interest Disclosures Act 1994 formerly know as the Protected Disclosures Act 1994 and to adopt such policy.

The Director Corporate Services addressed Council on this matter.

MN 344/11

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

1. **THAT** in accordance with changes to the legislation of the Public Interest Disclosure Act 1994 the Public Interest Disclosure Policy as per Attachment 1 to the report (which has been circulated under separate cover) be Adopted.
2. **THAT** General Manager's Internal Practice Note Number 16 (Attachment 2 to the report) which has been circulated under separate cover) be rescinded.

PASSED



INFRASTRUCTURE SERVICES DIVISION

o-IS1 Proposed Warm-up Loop for 2011 Highland Fling

Reference: 7610, 7420/6, 7420/2
Responsible Officer: Director Infrastructure Services

A proposal has been received from Wild Horizons to use sewerage treatment land at Bundanoon as a warm-up loop for the 2011 Highland Fling.

MN 345/11

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

THAT Council approve the use of Bundanoon Sewerage Treatment Plant land outside the fenced area as a warm-up loop for the 2011 Highland Fling, subject to the signing of a User Agreement and the restoration of all trails following completion of the event.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 28 September 2011

REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

o-IS2 Stormwater Management Plan – Willow Vale

Reference: 8101/4, 5702/5, LUA2010/0711
Responsible Officer: Manager Engineering Services

This report provides details of the preferred stormwater management strategy for an area of the Willow Vale Village that was rezoned for residential development as part of the Wingecarribee Local Environmental Plan 2010 (WLEP2010).

The Director Infrastructure Services addressed Council on this matter.

MN 346/11

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

1. **THAT** Council endorses Option 6 as recommended in the Stormwater Management Plan for Willow Vale which includes the construction of a formalised overland flow path at a maximum width of six (6) metres through the subject property and an underground stormwater pipe system through Lots 11 & 12 Section 7, DP 792, No 29 Willow Street.
2. **THAT** Option 6 be funded from Old Section 94 Stormwater funds at an estimated cost of \$450,000.
3. **THAT** the current Stormwater Development Servicing Plan be amended accordingly.
4. **THAT** the Board of Highlands Golf Course be consulted regarding the proposed stormwater drainage and harvesting works.
5. **THAT** Council staff consult with the owner of Lot Lots 11 and 12, Section 7, DP 792, No 29 Willow Street, Willow Vale (LUA2010/0711) regarding the construction of an overland stormwater flow path and underground stormwater pipes to safely convey stormwater through the subject land.
6. **THAT** the design and construction of this project be scheduled for 2012/2013 subject to development demands in this area.

PASSED



COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 Election of Mayor for 2011/2012 Term

This matter was considered earlier in the Meeting (refer MN 328/11 and MN 329/11 on page 4).

c-GM2 Election of Deputy Mayor for 2011/2012 Term

This matter was considered earlier in the Meeting (refer MN 330/11 and MN 331/11 on page 5).

c-GM3 Election of Delegates and Representatives to Committees, External Committees and Organisations for 2011/2012

Reference: 107
Responsible Officer: Manager Governance

Reporting on the election of delegates and representatives to Committees, External Committees and Organisations.

MN 347/11

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

THAT consideration of the Election of Delegates and Representatives to Committees, External Committees and Organisations for 2011/2012 be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 12 October 2011.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 28 September 2011

NOTICE OF MOTION

NOTICE OF MOTION

c-NM1 13/2011 – Notice of Motion – Formal Council Meetings throughout the Shire

Reference: 100/4
Responsible Officer: Manager Governance

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 28 September 2011:

1. THAT Council resolve to conduct formal Council Meetings throughout the Shire.
2. THAT Council seek invitations from village and community groups, and that these formal meetings be on a rotational basis and no more than one (1) per year in each town or village.
3. THAT a model for promoting this action and informing relevant associations and community groups be developed and a report come back to Council with the preferred option, so as to commence this community engagement in February 2012.
4. THAT Council acknowledge this as a component of our commitment to the 2031 Strategy.

The General Manager addressed Council on this matter.

MN 348/11

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

1. **THAT Council resolve to conduct Councillor Forums throughout the Shire.**
2. **THAT Council convene an information session to prepare a model for the Councillor Forums.**

PASSED



COMMITTEE REPORTS TABLED

c-CR1 Management and Advisory Committee Reports

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

Submitting minutes of sixteen (16) Committee meetings that will be tabled for information.

MN 349/11

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. ***Welby Community Hall 355 Management Committee held Monday 6 June 2011***
2. ***Bong Bong Common Management Committee held Tuesday 28 June 2011.***
3. ***Loseby Park Youth Centre 355 Committee held Friday 22 July 2011.***
4. ***East Bowral Community Centre Management Committee held Tuesday 26 July 2011.***
5. ***Hampden Park Management Committee held Thursday 28 July 2011.***
6. ***Mittagong Memorial Hall Management Committee held Thursday 4 August 2011.***
7. ***Mittagong Community Centre & Management Committee held Thursday 11 August 2011***
8. ***Mittagong Community Centre & Management Committee Annual General Meeting held Thursday 11 August 2011.***
9. ***Moss Vale Senior Citizens & Community Centre Management Committee held Monday 15 August 2011.***
10. ***Hill Top Community Centre Committee held Thursday 18 August 2011.***
11. ***Bong Bong Common Management Committee Annual General Meeting held Tuesday 23 August 2011.***
12. ***Bong Bong Common Management Committee held Tuesday 23 August 2011.***
13. ***Bundanoon Oval & Ferndale Reserve Management Committee Annual General Meeting held Friday, 26 August 2011.***
14. ***Bundanoon Oval & Ferndale Reserve Management Committee held Friday, 26 August 2011.***
15. ***East Bowral Community Centre Management Committee held Tuesday 30 August 2011.***
16. ***Mittagong Community Centre & Management Committee held Thursday 8 September 2011.***

PASSED



COMMITTEE REPORTS

COMMITTEE REPORTS ATTACHED

c-CR2 Minutes of the Traffic Committee

Reference: 107/6
Responsible Officer: Traffic Engineer

Submitting minutes of the Traffic Committee held on Friday, 9 September 2011.

MN 350/11

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

THAT the recommendations Nos TC58/11 to TC90/11, as detailed in the minutes of the Traffic Committee held on Friday, 9 September 2011 be adopted.

PASSED

c-CR3 Minutes of the Environment & Sustainability Committee

Reference: 5465/29.01
Responsible Officer: Manager Environment & Sustainability

Submitting minutes of the Environment & Sustainability Committee held on Wednesday, 17 August 2011.

MN 351/11

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

THAT the recommendations and actions as detailed in the minutes of the Environment & Sustainability Committee held on Wednesday, 17 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, 28 September 2011

COMMITTEE REPORTS

c-CR4 Minutes of the Public Art Advisory Committee

Reference: 1650/13
Responsible Officer: Cultural Development Officer

Submitting minutes of the Public Art Advisory Committee held on Tuesday, 30 August 2011.

MN 352/11

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

THAT the recommendations and actions as detailed in the minutes of the Public Art Advisory Committee held on Tuesday, 30 August 2011 be adopted.

PASSED

c-CR5 Minutes of the Water & Sewerage Advisory Committee

Reference: 7799/2
Responsible Manager: Special Projects Engineer (W&S)

Submitting minutes of the Water & Sewerage Advisory Committee held on Friday, 12 August 2011.

MN 353/11

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

THAT the actions as detailed in the minutes of the Water & Sewerage Advisory Committee held on Friday, 12 August 2011 be noted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 28 September 2011

GENERAL BUSINESS

GENERAL BUSINESS

1. BERRIMA CORRECTIONAL CENTRE 1445/1

Clr D Stranger asked how arrangements were progressing with the deputations to local Members of Parliament.

The Mayor Clr K Halstead advised that sometimes you do not get the response you request, which is disappointing, but staff are following up on the matter. The Mayor advised that the request may have to be made through a different State member but Council must follow the correct protocol.

2. CLEANUP OF DEBRIS – MEDWAY RIVULET 5457/7.1, 6930

Clr P B Tuddenham tabled a letter from a constituent advising of paddocks being flooded with debris piled up and fences torn away following the heavy rainfall. The constituent advised that she had received a letter from Council last year but noted that nothing further had been done in relation to the problem.

The General Manager advised that staff will investigate this matter.

3. McDONALDS DEVELOPMENT IN MOSS VALE
LUA08/0166, PN67000, PN1478700, PN1478800

Clr P B Tuddenham noted that the status of the Planning Proposal for the McDonalds site had been placed in the Weekly Circular but asked for a timeline for the proposal, as he is receiving queries from residents in relation to the development.

The Director Environment & Planning advised that Clr Tuddenham will be provided with this information.

4. DEVELOPMENT IN WEMBLEY/CHURCH ROADS, MOSS VALE 5302/1

Clr P B Tuddenham asked if he could have a copy of the conditions of consent for the development at the corner of Wembley and Church Roads, Moss Vale, as he understands the conditions have been varied.

The Director Environment & Planning advised that Clr Tuddenham will be provided with this information.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 28 September 2011

GENERAL BUSINESS

5. TREES OVERHANGING ON THE ILLAWARRA HIGHWAY AT BURRAWANG 7813/1, RD2010

Clr J G Arkwright asked if the overhanging trees on the corner of Burrawang Station Road and the Illawarra Highway could be trimmed to ensure visibility for motorists. She advised that at the moment vision is obscured on Burrawang Station Road when turning right onto the Illawarra Highway and this could result in a serious accident or accidents, and advised that she has received calls from concerned residents.

The General Manager advised that staff will investigate this matter.

6. ICAC INVESTIGATIONS 1420/19

Clr J G Arkwright noted that it was announced in the metropolitan media today that over 100 NSW Councils and certain government organisations are to be examined by the ICAC in relation to staff receiving gifts. Clr Arkwright asked if the General Manager can assure Councillors that Wingecarribee Shire Council is not one of those Councils.

The General Manager advised that he cannot answer this question but will take it on notice and reply via the Weekly Circular.

The Mayor Clr K Halstead advised that he had heard that all 152 Councils would be reviewed as a result of certain Councils in regional areas being investigated. He advised that many of the ICAC investigations over the years have been in relation to prominent staff positions.

7. LEGALITY OF INDUSTRIAL ACTIVITY IN HISTORIC RESIDENTIAL AREA OF BERRIMA PN709300

Clr L A C Whipper referred to his Question with Notice raised at the Council Meeting on Wednesday, 8 June 2011 regarding Berrima Diesel and asked for an update on this matter.

The Director Environment & Planning advised that he will provide an update.

8. REVIEW OF THE PLANNING SYSTEM IN NEW SOUTH WALES 5605, 5609

Clr L A C Whipper referred to a letter he had received from The Hon Pru Goward, MP, in relation to a review of the planning system in New South Wales.

The Director Environment & Planning advised that he had circulated the invitation from The Hon Pru Goward, MP, to Councillors advising that a review of the planning system is being undertaken by Tony Dyer and Tim Moore and that sessions are to be held in the Wingecarribee Shire on Monday, 31 October 2011 at the Moss Vale Services Club. He advised that this is an opportunity for Council to put across its views in relation to the legislation.

Clr Whipper asked if Councillors need to book into a session and if an information session could be conducted by staff for Councillors so that they could co-ordinate their approach.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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GENERAL BUSINESS

The Director Environment & Planning advised that the letter did not indicate a need to book but this can be checked. He advised that in terms of co-ordinating a response, it might be productive but individually Councillors might have different points of view about certain aspects of the legislation. He advised that he is happy to co-ordinate some comments and that he would talk to Councillors if a time can be arranged for an information session.

9. JUVENILE JUSTICE OFFICE, BOWRAL 1830/1

Clr L A C Whipper advised that he had heard that the Juvenile Justice Office in Bowral is being closed and would be operated out of Goulburn, which would be of great concern to the community. Clr Whipper advised that he had received an email from the Department of Premier and Cabinet this morning advising that they were unaware of the proposed closure, but the Regional Director in Dubbo has advised that it is being considered. Clr Whipper asked if representations could be made to The Hon Victor Dominello, Minister for Citizenship and Communities and Minister for Aboriginal Affairs and to The Hon Pru Goward, MP, Member for Goulburn, expressing Council's concern about the potential closure and loss of further services in the Wingecarribee Shire.

The General Manager advised that representations will be made, as requested by Clr Whipper.

10. SEALING OF ELLSMORE ROAD, BUNDANOON RD2304, 0040, 78

Clr J R Clark advised that he had been contacted by residents asking when the sealing of the remainder of Ellsmore Road at Bundanoon is contemplated and where it is on Council's priority list.

The Director Infrastructure Services advised that the section of Ellsmore Road near Morgans Lane is a difficult section of the road for sealing as it is narrow, winding and has an Endangered Ecological Community, so there are challenges with the sealing of that section of road. He advised that it is low on Council's priority schedules and that residents have been notified of this.

11. TRUCK MOVEMENTS ON MEDWAY ROAD RD3010, 5305/3, 7301/1

Clr J R Clark asked if Council is aware of the truck movements on Medway Road outside the authorised hours of operation. He said residents have asked if this is contrary to agreements reached with Council and the company involved.

The Mayor Clr K Halstead advised that if the company is operating out of hours, and particularly with the assurances given, then there are problems. He advised that B-doubles and any other trucks that are running frequently out of hours would be very concerning to residents.

The Director Infrastructure Services advised that this matter will be investigated.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 28 September 2011

GENERAL BUSINESS

12. ONLINE SUBMISSION, BUNDANOON OVAL PLAN OF MANAGEMENT

6529/6, 6529/4, 7124

Clr J R Clark advised that a resident of Bundanoon had complained that they were unable to access the online submission to the Bundanoon Plan of Management and asked if the system is working.

The Director Infrastructure Services advised that an incorrect letter was typed into the website address, this has been checked and the site does work. He advised that the person who raised the concern has been notified.

13. TULIP TIME

1671/8

Clr G McLaughlin asked if a vote of thanks could be passed onto Council staff in relation to Tulip Time, in particular Andrew Horne, who took time on Sunday to efficiently handle the situation when water was flooding, and this was very much appreciated.

The General Manager advised that this will be done.

14. TULIP TIME

1671/8

The Mayor Clr K Halstead asked why he had to be offered a ride on the fire engine as a result of the incompetence of the street parade committee, which is under Clr McLaughlin's auspices.

Clr G McLaughlin advised that he was terribly embarrassed about what had happened with the parade and passed on his apologies to the Mayor. Clr McLaughlin advised that processes would be put in place in future in relation to VIP's travelling in the Tulip Time Parade. He advised that there was a difficulty with some vehicles not turning up for the parade which meant that VIP's had to travel in cars.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 28 September 2011

GENERAL BUSINESS

CLOSED COUNCIL

GENERAL MANAGER

c-GM1 Closed Council

Reference: 107/9
Responsible Officer: General Manager

To consider moving into Closed Council.

At this juncture, the time being 7.32 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 354/11

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

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-GM1 DEED OF SETTLEMENT TO RESOLVE DISPUTE – DOUGLAS ROAD
PLANNING AGREEMENT 5701/27**

Relevant Legal Provisions

This report is referred to Closed Committee under Clause 10A (2)(c) and Clause 10A (2)(g) 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; and confers advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Brief Description

The purpose of this report is to discuss the proposed Deed of Settlement between Council and the party consisting of Kevin Dunlop, KND Nominees PTY, Ross Gordon Hales and Ronald James Arkcoll; as a legal contract between both parties to formalise a resolution to disputed matters outside of the realms of the Planning Agreement, which are to be dealt with in the Deed of Variation, the subject of a separate report.

.....Cont'd



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 28 September 2011

GENERAL BUSINESS

.....Cont'd

It is recommended that Council resolve to enter into the Deed of Settlement following the closure of the public exhibition of the Deed of Variation to avoid any argument that the Deed of Settlement fetters the Council's discretion to determine whether or not to enter into the Deed of Variation. Council must give proper consideration to any public submissions made in respect of the Deed of Variation, before it can be entered into.

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; and confers advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

cc-GM2 **LEGAL ISSUES**

107/22, 502.71, 6810/16

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 the ongoing management of legal and compliance issues since last reported to Council.

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



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 28 September 2011

CLOSED COUNCIL

CLOSED COUNCIL

cc-GM1 Deed of Settlement to resolve dispute – Douglas Road Planning Agreement

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

The Director Environment & Planning addressed Council on this matter.

CC 32/11

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

1. **THAT the Draft Deed of Settlement for the Douglas Road Planning Agreement as per Attachment 1 to the report be entered into by Council with Ronald James Arkcoll, Ross Gordon Hales, Kevin N. Dunlop and KND Nominees Pty Ltd.**
2. **THAT the General Manager be granted delegated authority to execute the Deed of Settlement detailed in 1 above.**

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 28 September 2011

CLOSED COUNCIL

cc-GM2 Legal Report

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

The Director Environment & Planning addressed Council on this matter. He advised that recommendation No 2 on page 11 of the report should not have been included.

The General Manager addressed Council on this matter.

CC 33/11

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

1. **THAT** in relation to the costs claim in the matter of Zawal, the General Manager be granted authority to act in Council's interests to negotiate a settlement of this matter up to the figure as contained in the letter dated 20 September 2011 from Mr Zawal's Solicitor.
2. **THAT** information relating to ongoing legal cases be noted.
3. **THAT** the Environmental Assessment compliance register, Ranger Court register and legal cost information be noted.

PASSED



COUNCIL

COUNCIL

107/10

MN 355/11

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 356/11

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

THAT the recommendations of the Closed Council held on Wednesday, 28 September 2011 being CC 32/11 and CC 33/11 be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

107/10

MN 357/11

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

THAT the recommendations of the Open Council held on Wednesday, 28 September 2011 being OC 190/11 to OC 200/11, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 28 September 2011

COUNCIL

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.50 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 28 September 2011 numbered M/N 327/11 to M/N 357/11, were signed by me hereunder at the Council Meeting held on Wednesday, 12 October 2011.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 12 OCTOBER 2011

CHAIRMAN

PUBLIC OFFICER