

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/07



held on Wednesday, 26 March 2008

The meeting commenced at 3.34pm.

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MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 26 March 2008

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COMMENCING AT: 3.34PM

PRESENT: Councillor Gordon Lewis (Mayor) in the Chair
Clr NN Campbell-Jones, Clr J R Clark, Clr T D Gair,
Clr P A George, Clr M L King, Clr M J Murray,
Clr S H Murray (3.56pm), Clr P B Tuddenham, Clr L A C Whipper
and Clr P Yeo

IN ATTENDANCE: General Manager, Director Corporate Services, Director
Environment & Planning, Director Technical Services, Manager
Administration Services and Administration Officer (AOR)

PRAYER

100/1

The meeting was opened in prayer led by Reverend Barry Lee of Robertson Anglican Church.

PUBLIC FORUM

Mr Peter Cunningham requested and was granted approval to speak on the following matter in the agenda.

Item o-CS5 – Local Environment Plan – Extraordinary Meetings

The Mayor thanked Mr Cunningham for his comments which would be taken into account when the matter was considered later in the meeting.

APOLOGY

PERS

MN 95/08

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

THAT the apology of Clr J Mauger be accepted and leave of absence granted.

PASSED

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 5 MARCH 2008

100/1

MN 96/08

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, 5 March 2008 MN 70/08 to MN 94/08 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

BUSINESS ARISING

1. NOTICE OF MOTION OF RESCISSION – LEISURE CENTRE 100/5, 7181, 105

Clr T D Gair referred to Recommendation 4 on page 35 and asked for clarification of the tender process for the Leisure Centre.

The Director Technical Services advised that a report dealing with this matter would come to the next Ordinary Meeting of Council to be held on Wednesday, 2 April 2008. The report doesn't alter Recommendation 4 but clarifies the intent and reflects the discussions of the Leisure Centre Project Reference Group. He believed Council's intent relates to obtaining an accurate costing so the report sets out a project plan by which we will achieve that objective.

Clr L A C Whipper referred to Recommendation 2 on page 35 and asked if the report would provide an opportunity for Councillors to look at the wording of the question.

The General Manager advised that the report will set the scene for the wording to be debated and that an Information Session will be held on Wednesday, 7 May 2008 for Councillors to consider the wording of the question.

2. ALEXANDRA SQUARE

6606/3

Clr L A C Whipper asked if there had been any progress on the Information Session to be held for Councillors in relation to legal information for Alexandra Square.

The Director Corporate Services responded that it was not on the agenda at the moment but he would ensure that it was listed as an Information Session.

DECLARATIONS OF INTEREST

101/3

No declarations of interest were recorded.

MAYORAL MINUTE

c-MM1 Relay for Life

REF.	MAYOR	1850/5, 6530/3, (cc 102/5)
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Recognising the outstanding organisation and community support for the 2008 Relay for Life event held at Eridge Park on 1/2 March 2008.

Clr N N Campbell-Jones stated that regardless of the money raised, the Relay for Life was a marvellous event which united the whole community. He believed that this year the "Relay" had raised in the vicinity of \$300,000.

MN 97/08

MOTION moved by *Clr G Lewis* and seconded by *Clr N N Campbell-Jones*:

THAT Council congratulates Councillors, Council staff and the Wingecarribee community for their contribution in organising and participating in the Relay for Life event.

PASSED

c-MM2 Pensioner Rate Rebates

REF. FSM

2211 (cc 102/5)

Reporting on the pensioner rate rebate scheme.

MN 98/08

MOTION moved by Clr G Lewis and seconded by Clr M King:

1. **THAT Council extends the option for eligible pensioners to pay their rates in full by 31 May (the due date for the fourth instalment), without incurring interest charges AND THAT failure to pay in full by 31 May will result in the normal interest arrangements applying.**
2. **THAT Council continues to lobby the State Government through the Local Government and Shires Association and Local Members of Parliament to increase the pensioner rate rebate from the base levels set 22 years ago.**
3. **THAT representations be made to all political parties requesting them to outline their positions in writing in relation to Item 1. above AND THAT the advice be requested prior to the Local Government Association NSW Annual Conference to be held in Broken Hill from 26 – 29 October 2008.**

PASSED

SUSPENSION OF STANDING ORDERS

The Mayor, Clr G Lewis, advised that at the Ordinary Meeting of Council held on Wednesday, 5 March 2008 it had been resolved that Item c-NM1 09/2008 – Notice of Motion: Council Referendum on Wards would be the first item on the agenda for today's meeting. He stated that Clr N N Campbell-Jones was to chair Open Council but that he would remain in the Chair while this item and Item o-CS5 – Local Environment Plan re Extraordinary Meetings were being considered.

Clr P Yeo suggested that as Mr Peter Hammon was present in the gallery Item v-EP1 – Introducing Mr Peter Hammon, Chairman Wingecarribee Community Services should be heard at this juncture of the meeting.

MN 99/08

MOTION moved by Clr L A C Whipper and seconded by Clr M Murray:

THAT standing orders be suspended to allow Item c-NM1 09/2008 – Notice of Motion: Council Referendum on Wards and Item o-CS5 – Local Environment Plan re Extraordinary Meetings to be considered.

PASSED

VISITOR ITEMS

ENVIRONMENT & PLANNING DIVISION

v-EP1 Introducing Mr Peter Hammon, Chairman Wingecarribee Community Services Centre

REF: SPM

LUA06/0409

Council at a previous meeting requested that the Chairman of Wingecarribee Community Services Centre Incorporated be invited to address Council on the progress of the project.

Mr Peter Hammon, Chairman of Wingecarribee Community Services Centre, addressed Council on this matter.

MN 100/08

MOTION moved by Clr G Lewis and seconded by Clr P B Tuddenham:

THAT Mr Peter Hammon be thanked for his presentation and for his efforts so far on the Wingecarribee Community Services Centre project.

PASSED

NOTICE OF MOTION

c-NM1	09/2008 – Notice of Motion – Council Referendum on Wards
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REF: MAS	100/4, 105
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Reference: Ordinary Meeting of Council 5 March 2008 MN 084/08 recommended:

THAT the Notice of Motion relating to Council Referendum on Wards be deferred and become the first item of business at the Ordinary Meeting of Council to be held on Wednesday, 26 March 2008.

Clrs P Yeo, J Clark and LAC Whipper have given notice of their intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 5 March 2008.

“THAT Council not proceed with the constitutional referendum on the establishment of Wards at the next Council election”.

MN 101/08

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

THAT Council not proceed with the constitutional referendum on the establishment of Wards at the next Council election.

PASSED

VOTING ON THE MOTION:

Voting for the Motion: Clrs Yeo, Whipper, Clark, Gair, Tuddenham and S Murray

Voting against the Motion: Clrs King, George, Campbell-Jones, Murray and Lewis

Dissenting Vote: Clr P George requested that her dissenting vote be recorded in respect of this motion.

CORPORATE SERVICES DIVISION

o-CS5	Local Environmental Plan re Extraordinary Meeting
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REF.	MAS	5900
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Requesting dates to conduct Extraordinary Meetings to consider the Local Environmental Plan.

MN 102/08

MOTION moved by Clr L A C Whipper and seconded by Clr M Murray:

1. **THAT** an Extraordinary Meeting of Council be held on Wednesday 16 April 2008 to consider the Reclassification of Community land in the Local Environmental Plan and that the meeting be held in the Bowral Memorial Hall commencing at 3.30pm.
2. **THAT** an Extraordinary Meeting of Council be held on Wednesday 30 April 2008 in the Bowral Memorial Hall commencing at 3.30pm to consider the final endorsement of the Local Environmental Plan

PASSED

OPEN COUNCIL

MN 103/08

107/10

MOTION moved by Clr G Lewis and seconded by Clr P B Tuddenham:

THAT Council move into Open Council to discuss various matters listed in the Agenda with Clr N N Campbell-Jones in the Chair.

PASSED

VISITOR ITEMS

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

v-EP2 Southern Highlands Shooting Complex

REF: DEP

LUA07/1364; 6613/3

Reporting on Council's submission to the proposed Southern Highlands Shooting Complex.

Ms Julie Cook on behalf of the Hill Top Residents Action Group and the Planner representing the residents, Mr Dan Brindle of BBC Consulting Planners, addressed Council on this matter.

OC 24/08

The Committee on a MOTION moved Clr M Murray and seconded Clr J Clark
RECOMMENDED:

1. **THAT Council makes representations to the Department of Planning stating that it objects to the application on the grounds of noise, traffic, environmental effects, bushfire.**
2. **THAT Council officers obtain a copy of the submission to be made by the Hill Top Residents Action Group to determine whether any of the reasons for objection can be adopted in support of the grounds of objection raised by Council.**
3. **THAT should the Minister for Planning be mindful to support the application, conditions be included in Council's submission which deal with the issues described on pages 11 and 12 of the attachment to this report and any other conditions that the Hill Top Residents' Action Group has submitted.**
4. **THAT Council seeks an extension of time of at least one (1) month to allow more detailed submissions.**
5. **THAT a full Aboriginal archaeological study be undertaken.**

PASSED

OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

o-EP1 Development Consents under Delegated Authority

REF: DCM

5302

Submitting a list of development consents executed under delegated authority of the Director of Environment and Planning between 20/2/08 and 17/3/08.

OC 25/08

The Committee on a MOTION moved Clr P Yeo and seconded Clr M Murray
RECOMMENDED:

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

PASSED

o-EP2 List of Development Applications Received by Council

REF: DCM

5302

Submitting a list of development applications which have been received between 22/2/08 and 17/3/08, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

OC 26/08

The Committee on a MOTION moved Clr P Yeo and seconded Clr P B Tuddenham
RECOMMENDED:

THAT the information regarding the List of Land Use Applications Nos 1-17 received by Council be received and noted.

PASSED

.....Cont'd

Cont'd.....

Matters Arising from Development Applications received by Council

1. DWELING (SEPP 1 DEPARTURE TO CLAUSE 13(3)(a)) LUA08/0243, LUA08/0246
LUA08/0244

Clr L A C Whipper referred to Items 13,14 and 15 and asked for more information on these developments.

The Director Environment & Planning stated that he would provide details in the Weekly Circular.

2. DWELLING & REQUEST FOR SEPP 1 DEPARTURE LUA08/0199
"VALHALLA", SHEEPWASH ROAD, AVOCA

Clr M Murray referred to Item 5 and requested more information on this development.

The Director Environment & Planning stated that he would provide details in the Weekly Circular.

3. CABANA/POOL HOUSE BIBBYS LANE, WERAJ LUA08/0232

Clr N N Campbell-Jones referred to Item 11 and stated that if this were the same property for which Council had received other development applications, the matter be referred to Council. However, he further stated that if it was not the relevant property it would not be required to be referred to Council.

The Director Environment & Planning stated that he would include more details in the Weekly Circular.

o-EP3 Report on Ranger Works Priorities

REF: EH

842/2.4

A report to Council concerning Ranger functions and priorities was submitted for consideration last month. The purpose of this report is to provide Council with an opportunity to endorse the identified work priority schedule.

Council amended the Priority Action List at the meeting.

OC 27/08

The Committee on a MOTION moved Clr N N Campbell-Jones and seconded Clr J Clark
RECOMMENDED:

1. **THAT Council endorses the Priority Action list presented below:**

High Priority

- a) ***Parking Enforcement - Bowral (1 Ranger 5 days a week, 1 Ranger 4 days per week. The remaining one day per week (one day in Moss Vale or Mittagong). To be carried out by the designated parking rangers.***
- b) ***Dog Attack including attending, seizure, transport to shelter, subsequent interviews, declarations and document management***
- c) ***Livestock control i.e. stock on roads***
- d) ***Illegal burning investigations***
- e) ***Pollution events in progress***
- f) ***Dog pick ups and return to owner or impound and transport to Shelter***
- g) ***Dangerous Dog enclosure compliance checking***
- h) ***Collection of deceased companion animals and disposal***
- i) ***Monitoring and enforcing school zone safety areas***

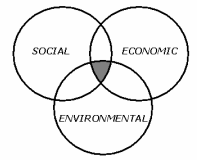
Medium priority

- a) ***Outdoor dining/goods on footpath – Administration branch maintains an updated register that the equivalent of one Ranger can now enforce one day a week.***
- b) ***Illegal sign removal (incl. trailer advertising) – with garage sale signs to be exempt***
- c) ***Heavy vehicle enforcement – One day a fortnight is currently allocated to this.***
- d) ***Barking dog/dog nuisance complaints***

Low Priority

- a) ***Abandoned motor vehicle investigation and impounding***
- b) ***Overgrown property/safe and healthy inspections and notifications***
- c) ***Litter control/illegal dumping – when RID Squad on leave***
- d) ***Development control compliance***
- e) ***General shire wide ordinance***

.....Cont'd



Cont'd.....

2. **THAT the General Manager and Mayor approach the Local Police Commander regarding responsibility for monitoring and enforcing school zone safety areas AND THAT if no satisfactory response is forthcoming representations be made to the appropriate minister.**

3. **THAT in the 2009/2010 budgets Council investigates the feasibility of part time clerical support to assist the rangers.**

PASSED

QUESTIONS FROM THE PUBLIC

1. AUTOMATIC INFORMATION SCREEN IN CORBETT PLAZA 7840

Mr Terry Oakes-Ash stated that some considerable time ago Council had agreed to the construction of either a free standing or fixed automatic information screen in Corbett Plaza. He asked what the current situation was and whether Council had a date for the installation of this information unit.

The General Manager stated this was not a Council project. Council had approved the automatic information screen but had not received any details as yet on an installation date from the developer.

2. PAMPS STUDY ON EXETER – VARIANCE IN FOOTPATH WIDTHS 7401/1

Mrs Pam Cooper referred to page 58 of the business paper where it is suggested that footpaths along Exeter Road and Middle Road be 2 metres wide. The next line states that Exeter Road to Yarwood Drive be 1.2 metres wide and both are main roads. A 2 metre footpaths are also suggested for School Lane which is a side road. Mrs Cooper asked the following questions:

- i. Could a width of 2.5 metres be standard as in today's climate it would be economical in the long term?
- ii. How do brick/paver footpaths compare with the usual cement path from a cost point of view?

The Director Technical Services stated that he would take these questions on notice and respond to Mrs Cooper. He would also include the information in the Weekly Circular.

3. SALE OF SURPLUS LAND 100/4, 7122/2

Mrs Jan Hainke asked the following questions in relation to the possibility of Council proceeding with the reclassification of green space to allow it to be sold based on the assumption that the sale of this land is essential for the funding of the Leisure Centre:

- i. If for any reason the Leisure Centre does not eventuate, to what use will the sale money be put?
- ii. Will questions from the public be taken at the Extraordinary Meeting of Council to be held on Wednesday 16 April?

The Director Technical Services stated that he would investigate the matter of Leisure Centre funding.

The General Manager stated that as the Council meeting to be held on Wednesday, 16 April 2008 is an Extraordinary Meeting there would be no questions from members of the public.

4. CLASSIFICATION OF SURPLUS LANDS 100/4, 7122/2

Mrs Jan Hainke asked the following question on behalf of Mrs Jane Loxley who was not at the meeting:

“Can you please explain the relationship between the current classification of the surplus lands, any future reclassification and with the current LEP or the Draft Future LEP”?

Clr N N Campbell-Jones responded that as this question was complex it would be taken on notice and a response provided to Ms Loxley.

5. SOUTHERN HIGHLANDS SHOOTING COMPLEX - LUA07/1364; 6613/3
ABORIGINAL ARCHAEOLOGICAL SURVEY

Mr Peter Falk referred to the Southern Highlands Shooting Complex. He stated that the site is recognised by DECC as a significant Aboriginal area and will need a full and physical Aboriginal archaeological survey before any further work or development. He asked if Council would ensure that this survey would be carried out.

OC 28/08

The Committee on a MOTION moved Clr P Yeo and seconded Clr J Clark
RECOMMENDED:

THAT the requirement for a full Aboriginal archaeological study be added to the recommendations of Item v-EP2 Southern Highlands Shooting Complex (refer OC 24/08).

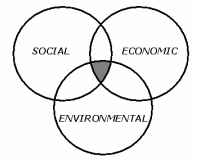
PASSED

6. EXPRESSIONS OF INTEREST – 73 STATION STREET, BOWRAL PN 1700777

Ms Sandra Brooks (on behalf of the Mirri Mirri Bunderra Aboriginal Corporation) requested a review of the tendering process applied by Council to lease the property at 73 Station Street, Bowral.

The General Manager responded that in May of last year Council went through a process in Closed Council where it considered the options that were put forward. Four (4) responses were received with one standing out above the others. It was on a commercial basis and not offered to the community on a peppercorn rental. The resolution was that the offer be made to John Jeffery Engineering for a term of three (3) years with the option to extend for a further two (2) years.

.....Cont'd



Cont'd.....

However the lease fell through and Council then put the property in the hands of real estate agents who have been trying to lease the property since that time. Recently an interested party has expressed an interest in leasing the property and the Property Officer has been negotiating the best lease rate so it can become a usable property for the conduct of business.

The General Manager added that it is not necessary for Council to go through an EOI process if it uses a real estate agent as all the requirements for a business transaction have been complied with. Information about this matter was conveyed in a letter from the Manager Administration Services to Ms Brooks on 17 March 2008.

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP4	Proposed Special Rate Variation Wingecarribee Our Future Environment 2008/13
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REF: DEP, HRM

5465

Submitting a report on Council's proposal to submit a special rate variation application to the Minister for Local Government.

OC 29/08

The Committee on a MOTION moved Clr L A C Whipper and seconded Clr M Murray
RECOMMENDED:

1. **THAT Council adopts Option 3 of Attachment 2 to this report to be incorporated into the Draft 2008 – 2010 Management Plan and be proposed to the Minister for Local Government for the application for the “Wingecarribee Our Future Environment program for 2008/13”.**
2. **THAT Council includes in the Draft 2008 – 2010 Management Plan the draft program of works as set out in the paper entitled Wingecarribee Our Future Environment Levy 2008-2013 Proposed Program Plan.**
3. **THAT Council commences the necessary public consultation as soon as possible.**

PASSED

o-EP5 Renwick Voluntary Planning Agreement

REF: DEP

5817/9

Reporting on the progress on the Renwick Voluntary Planning Agreement.

OC 30/08

The Committee on a MOTION moved Clr P Yeo and seconded Clr P B Tuddenham
RECOMMENDED:

1. ***THAT this matter be deferred for consideration at the Ordinary Meeting of Council to be held on Wednesday, 2 April 2008.***
2. ***THAT representatives from Landcom be invited to meet with Council to discuss the relevant issues associated with the agreement.***

PASSED

o-EP6 Empire Cinema

REF: DEP

LUA04/0805; LUA04/0683

Reporting on a request for reconsideration of monetary contribution for car parking associated with the redevelopment of the Empire Cinema.

OC 31/08

The Committee on a MOTION moved Clr P Yeo and seconded Clr M Murray
RECOMMENDED:

THAT Council discounts the currently agreed rate of \$6,250 per space by 75% on the basis of the information supplied by the applicant that shows that approximately 75% of patronage to the Cinema occurs outside of normal business hours when availability of car parking is high (17 x \$1,562.50 = \$26,562.50).

PASSED

o-EP7 Moss Vale Enterprise Corridor Draft DCP

REF: SPM

5700/60; 5602/11

The report outlines proposed changes to the Draft Moss Vale Enterprise Corridor DCP which was publicly exhibited in 2007 following submissions from the public and an Information session held on 12 December 2007. The Draft DCP is proposed to be re-exhibited with the changes

At its Strategy & Finance Meeting held on 27 February 2008, Council resolved:

'THAT the Moss Vale Enterprise Corridor Draft DCP be deferred to a future meeting of the Strategy & Finance Committee.'

OC 32/08

The Committee on a MOTION moved Clr M Murray and seconded Clr P B Tuddenham
RECOMMENDED:

1. **THAT Council endorses the changes to the draft DCP as generally set out in Attachment 1 AND THAT Council publicly re-exhibit the draft DCP for the Moss Vale Enterprise Corridor for 28 days, and inform adjoining owners and the development industry.**
2. **THAT Council writes to the persons and organisations who made submissions to advise them of the outcome of this report.**
3. **THAT an additional clause be included in the Draft DCP Section 3.10 Landscaping in that native plants be used for Riparian zones and a mix of exotic and native plants for other areas.**

PASSED

o-EP8 New Factory Building, Douglas Road, Moss Vale

REF: PM

LUA07/1430

LUA 07/1430 has been received seeking approval for a new plastics factory building, store building and warehouse addition for Australian Film and Pipe Manufacturers, which is an existing industrial business located at Lot 1 DP730320, Douglas Road, Moss Vale.

OC 33/08

The Committee on a MOTION moved Clr T D Gair and seconded Clr P Yeo
RECOMMENDED:

THAT the application be approved, containing the attached draft conditions of consent.

PASSED

o-EP9 Request for Donation from Southern Highlands International Piano Competition

REF: SPM

7101/1, 1660/1

Reporting on reconsideration by Arts and Culture Board Working Group of request for donation from Southern Highlands International Piano Competition.

Interest: Clr P George declared a non-pecuniary interest in this matter as she had accepted tickets to attend the concert. She left the chamber, took no part in the debate and refrained from voting thereon.

Interest: Clr G Lewis declared a non-pecuniary interest as he had accepted tickets to attend the concert. He left the chamber, took no part in the debate and refrained from voting thereon.

OC 34/08

The Committee on a MOTION moved Clr P Yeo and seconded Clr J Clark
RECOMMENDED:

THAT Council takes no action in this matter AND THAT the Southern Highlands International Piano Competition organisers be advised of Council's decision

PASSED

REPORT OF CORPORATE SERVICES DIVISION

o-CS1	Cancer Council NSW – Community Partnership
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REF	OH&SC, HRM
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1850/5

Report on a request by the Cancer Council NSW for Wingecarribee Shire Council to enter into a community partnership with the Wingecarribee Shire Council.

OC 35/08

The Committee on a MOTION moved Clr M Murray and seconded Clr P Yeo
RECOMMENDED:

1. **THAT Council acknowledges the high level of physical and emotional suffering, premature death and financial burden caused by cancer in this community AND THAT by becoming a Cancer Council Community Partner, it undertakes to help lower the impact of this insidious disease in the community by –**
 - a) **Learning about and adopting new policies that will help reduce the incidence of cancer in our area.**
 - b) **Supporting Cancer Council advocacy campaigns that will benefit the people of our community.**
 - c) **Using our communication channels, venues and networks to help deliver Cancer Council information and education.**
 - d) **Allowing the discounted 'not-for-profit' rate for the use of Council venues and the provision of other resources for support group meetings, education programs and other activities that benefit cancer patients and their families in the Wingecarribee Shire**
 - e) **Supporting Cancer Council efforts in our area to raise money for cancer research, prevention and support.**

2. **THAT Council nominates the OHS Co-ordinator, Dianne Haydon and the Information & Electronic Services Librarian, Roxanne Seaward as the two relationship managers.**

PASSED

o-CS2	Committee Appointments & Resignations
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REF	MAS	107/1
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Reporting on Management Committee Appointments and Resignations.

OC 36/08

The Committee on a MOTION moved Clr P George and seconded Clr P Yeo
RECOMMENDED:

1. **THAT Sarah Gray be appointed to the Bong Bong Common Management Committee AND THAT Ms Gray be notified of Council's determination.**
2. **THAT Council accepts with regret the resignation of Deb Debenham from the Mittagong Memorial Hall Management Committee AND THAT Ms Debenham be notified of Council's determination.**
3. **THAT the Bong Bong Common Management Committee and Mittagong Memorial Hall Management Committee be notified of Council's determination.**

PASSED

o-CS3	Investments as at 29 February 2008
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REF	FSM	2104
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Submitting details of Council's Investments as at 29 February 2008

OC 37/08

The Committee on a MOTION moved Clr M Murray and seconded Clr T D Gair
RECOMMENDED:

THAT the information on Council's Investments as at 29 February 2008 be received and noted.

PASSED

o-CS4 ANZAC Day 2007

REF: MAS

1671/1

Seeking determination of Council representatives to attend various ANZAC Day services on ANZAC Day 2008.

OC 38/08

The Committee on a MOTION moved Clr P Yeo and seconded Clr P B Tuddenham
RECOMMENDED:

1. **THAT Council be represented by Councillors at the following services:**

Berrima

Dawn Service
Main Service

Clr P George
Clr N N Campbell-Jones

Bowral

Dawn Service
Main Service

Clr G Lewis
Clr G Lewis
Clr M King
Clr P B Tuddenham

Bundanoon

Hill Top

Mittagong

Dawn Service
Main Service

Clr N N Campbell-Jones
Clr P George

Moss Vale

Exeter

Burrawang /Robertson / Kangaloon/

Sutton Forest

Clr M Murray
Clr M Murray
Clr J Mauger
Clr P George

2. **THAT the respective Sub-Branches be advised of Council representation as detailed in 1 above.**

3. **THAT Council purchases four (4) appropriate books to the value of \$65.00 each for the Bowral, Bundanoon, Moss Vale and Berrima Memorial Services AND THAT eleven (11) wreaths be purchased for the remaining locations.**

PASSED

o-CS5 Local Environmental Plan re Extraordinary Meeting

REF. MAS

5900

This matter was considered earlier in the meeting (refer MN 102/08).

TECHNICAL SERVICES DIVISION

o-TS1	Three Hour Parking Restrictions In Oxley Mall Carpark, Bowral
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REF:	TE	7470/1, 7460/8, 1602/3
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Requesting three (3) hour parking restrictions in part of Oxley Mall Carpark in Bowral.

OC 39/08

The Committee on a MOTION moved Clr M Murray and seconded Clr P Yeo
RECOMMENDED:

1. ***THAT three (3) hour parking limitations be introduced into the area described in the report after Council has investigated whether for parking fine purposes the whole of the Oxley Mall be considered one precinct with funding for the project to be allocated from Council Signs Maintenance & Repair AND THAT the situation be reviewed in 12 months***
2. ***THAT Council investigates the erection of appropriate signage to direct people to parking.***
3. ***THAT Council investigates extending the time limit for parking behind the Empire Centre from two (2) hours to three (3) hours and the rooftop parking arrangements in the previously occupied by Furniture One.***
4. ***THAT funding for the parking restrictions detailed in Items 1. to 3. above***

PASSED

o-TS2	Completion of Pedestrian Access Mobility Plan Study (Pamps) for Robertson, Bundanoon & Villages
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REF:	DPM
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7401/1

Reporting on the completion of the Pedestrian Access Mobility Plan Study (PAMPS) for the towns of Robertson and Bundanoon and the villages of Avoca, Aylmerton, Balaclava, Balmoral Village, Berrima, Braemar, Burrawang, Colo Vale, Exeter, Fitzroy Falls, Hill Top, Medway, New Berrima, Penrose, Sutton Forest, Welby, Willow Vale, Wingello and Yerrinbool.

OC 40/08

The Committee on a MOTION moved Clr P Yeo and seconded Clr L A C Whipper
RECOMMENDED:

1. **THAT Council adopts the Pedestrian Access Mobility Plan Study and Associated Project Priorities prepared by QED Pty Ltd and approved by the RTA, for the towns of Robertson and Bundanoon and the villages of Avoca, Aylmerton, Balaclava, Balmoral Village, Berrima, Braemar, Burrawang, Colo Vale, Exeter, Fitzroy Falls, Hill Top, Medway, New Berrima, Penrose, Sutton Forest, Welby, Willow Vale, Wingello and Yerrinbool;**
2. **THAT the Access Working Group and Seniors Working Group be provided with details of the PAMPS;**
3. **THAT the PAMPS Priority Schedule be considered for funding in annual budgets AND THAT applications for grant funding be lodged with the Roads & Traffic Authority when the opportunity arises.**
4. **THAT Council investigate the costing of different types of footpaths as opposed to concrete.**
5. **THAT Illawarra Highway, Robertson be identified as the highest priority among the No. 1 priorities AND THAT Council makes representations to the Hon. Matt Brown MP in relation to funding for this particular project and any other projects detailed in the report.**

PASSED

o-TS3	Funding Options For Upgrade of Roundabout on Funston Street, Bong Bong Street, Moss Vale Road & Kangaloon Road, Bowral
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REF:	DPM, PO	7810/21, 7457/3, 107/21, 5701/6, PN991500
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This report considers funding options to enable upgrading of the Funston Street, Moss Vale Road, Kangaloon Road and Bong Bong Street roundabout.

OC 41/08

The Committee on a MOTION moved Cllr T D Gair and seconded **RECOMMENDED:**

1. **THAT Council proceeds, regardless of RTA grant funding, with property acquisition and property adjustments (subject to satisfactory negotiation with the land owner) as shown on Plan 1950 CP, to be funded from the available Bowral Traffic Management Facilities s.94 funds;**
2. **THAT Council allocates \$156,677 from the Bowral Traffic Management Facilities s.94 fund for the purpose of undertaking remedial work and property acquisition at the Funston Street/Moss Vale Road/Kangaloon Road/Bong Bong Street roundabout to address existing geometric, pedestrian safety and capacity issues.**
3. **THAT Council allocates \$43,323 from the 2008/09 Capital Projects Reserve for the purposes of providing additional funds to the \$156,677 s.94 funds required to meet an anticipated 50% funding offer from the RTA to undertake remedial works at the Funston Street/Moss Vale Road/Kangaloon Road/Bong Bong Street roundabout estimated to cost \$400,000;**
4. **THAT an updated valuation be obtained by a registered valuer in respect of Lot A DP364471;**
5. **THAT the General Manager be delegated authority to negotiate with the owners of 19 Funston Street Bowral for the acquisition of approximately 40 square metres of land from Lot A DP364471;**
6. **THAT Council's solicitors, B Bilinsky & Co., be instructed to prepare the requisite Transfer and Deed of Agreement following negotiations;**
7. **THAT the Transfer and Deed of Agreement be executed under the Common Seal of the Council;**
8. **THAT all costs in respect of the valuation and acquisition be funded from the project funds (as outlined).**
9. **THAT any future negotiations regarding land acquisition be considered by Council in Closed Committee.**

PASSED

CHAIRPERSON

At 6.40pm, being the conclusion of Open Council, the Mayor, Clr G Lewis, resumed the chair to conduct the remainder of Council business.

o-TS4 Inquiry into Water & Sewerage Provision in Regional NSW

REF: WSM

7799

The purpose of this report is to formally present the information discussed at the Councillor Information Session held on 5 March 2008 and seek a resolution confirming option/s for Council's written submission.

Clr P Yeo asked that all councillors be provided with a copy of the final submission for reference purposes.

MN 104/08

MOTION moved by Clr P Yeo and seconded by Clr J Clark:

1. **THAT** Council makes a written submission to the inquiry stating the following:-
 - (a) the current arrangement, where the Wingecarribee Shire Council own the assets and provide Water & Sewerage services to its residents through its Water & Sewerage Business Unit should continue;
 - (b) Wingecarribee Shire Council is opposed to any proposal to separate the Water & Sewerage functions from the Council stewardship;
 - (c) Reasons, justification and implications to the Council the community;
2. **THAT** a working party be nominated to review and approve the final written submission;
3. **THAT** further discussions be held between the Council, the Southern Councils Group and the Councils concerned to explore the feasibility of the County Councils options outlined in the report, and a further report covering joint written submissions and presentation to the hearing be submitted to the next meeting.

PASSED

**o-TS5 Draft Plan of Management for Community Land off Centennial Road, Bowral
(known as Bowral Country Club Golf Course)**

REF: PPM, PO

6500/23, 6612/1

Submitting the Draft Plan of Management for Community Land off Centennial Road, Bowral (known as Bowral Country Club Golf Course) for adoption by Council.

MN 105/08

MOTION moved by Clr M Murray and seconded by Clr M King:

1. **THAT** the draft Plan of Management for Community Land off Centennial Road, Bowral (known as Bowral Country Club Golf Course) be adopted **AND THAT** this document be known as the Plan of Management for Community Land off Centennial Road, Bowral (known as Bowral Country Club Golf Course);
2. **THAT** the recommendations contained in the Plan of Management be actioned as conditions of the current or any future leases.
3. **THAT** the expression of interest for the use of the land proceed for a public golf course.

PASSED

o-TS6 Parking Restrictions in When Close and Westwood Drive, Bowral

REF. TE

7460/8, RD1628

Requesting parking restrictions on the corner of When Close and Westwood Drive, Bowral.

MN 106/08

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

THAT the existing "No Stopping" zones on the corner of Westwood Drive and When Close in Bowral, be extended by five metres in each direction to improve sight distance at the junction.

PASSED

GENERAL MANAGER'S REPORT

cGM1	Weekly Circulars
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REF.	GM	100/8, 203/2008
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Confirming receipt of weekly circulars from the Local Government Association and Council weekly circulars.

MN 107/08

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

THAT the information relating to *Local Government Weekly Circulars Nos 07-10/08* and *Council Weekly Circulars Nos 08-11/08* be noted.

PASSED

Matters Arising from Weekly Circulars

1. LEISURE CENTRE FUNDING 7181/8

Clr T D Gair referred to Item 4 of Council Weekly Circular No. 08/08 which related to a question he had asked of the General Manager about the costings for the Leisure Centre to this point in time. He wished to confirm that to date Council has spent \$481,687 and if we go to tender, total commitment to award a tender is \$638,000

Clr Gair stated that he believed next week's report from the Director Technical Services was very important as Council would be spending up to \$1.1 million without turning a sod, knowing and accepting the fact that we have to spend money to get costings. Council also gave the commitment to the general public that no monies would be coming from General Funds to fund the Leisure Centre but we have now spent half a million. These funds have come out of General Revenue other than for the one land sale we've had on the corner of Kangaloon Road and Bowral Road which raised approximately \$237,000.

Clr N N Campbell-Jones asked for a point of order and stated that at no time did Council not say that there would be short term borrowings for this project.

NOTICES OF MOTION

c-NM1	09/2008 – Notice of Motion – Council Referendum on Wards
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REF: MAS	100/4, 105
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This matter was considered earlier in the meeting (refer MN 101/08)

c-NM2	10/2008 – Notice of Motion – WSC v Lehman Brothers
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REF: MAS	100/4, 2104, 2104/1
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Clr T D Gair has given notice of his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 26 March 2008.

1. *THAT the General Manager and the Chairperson of the Legal Committee, attend all legal briefings on the legal case between WSC v Lehman Brothers, and also where possible the Mayor.*
2. *THAT any public comment on the case be made only by the Mayor or the General Manager.*
3. *THAT all such comments be issued in writing and only after the content and wording has been approved by Council's legal representative.*
4. *THAT any recommendations or actions requested by the Legal Sub Committee require Council's endorsement.*
5. *THAT Council forward to its legal representative all media releases to date by Council and comments made by Councillors in the press, on radio and television for their information and comment.*
6. *THAT all Councillors receive regular timely briefings from Council's legal representatives on the progress of the case in Closed Committee".*

.....Cont'd

MN 108/08

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

1. **THAT** the General Manager and the Chairperson of the Legal Committee, attend wherever possible all legal briefings on the legal case between WSC v Lehman Brothers, and also where possible the Mayor.
2. **THAT** any public comment on the case be made only by the Mayor or the General Manager.
3. **THAT** all such comments be issued in writing and only after the content and wording has been approved by Council's legal representative.
4. **THAT** any recommendations or actions requested by the Legal Sub Committee require Council's endorsement.
5. **THAT** Council forwards to its legal representative all media releases to date by Council and comments made by Councillors in the press, on radio and television for their information and comment.
6. **THAT** all Councillors receive regular written reports from Council's legal representatives on the progress of the case in Closed Committee.

AMENDMENT moved by *Clr M Murray* and seconded *Clr N N Campbell-Jones*:

1. **THAT** *the General Manager and the Chairperson of the Legal Committee, attend if possible all legal briefings on the legal case between WSC v Lehman Brothers, and also where possible the Mayor.*
2. **THAT** *any public comment on the case be made only by the Chairperson of the Legal Committee or the General Manager.*
3. **THAT** *all Councillors receive regular written reports where necessary.*

PASSED

AMENDMENT BECAME THE MOTION

PASSED

EXTENSION OF TIME

Clr P Yeo requested an extension of time to 8.00pm in accordance with Council's Code of Meeting Practice.

MN 109/08

MOTION moved by *Clr P Yeo* and seconded by *Clr N N Campbell-Jones*:

THAT *the remainder of the business paper be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 2 April 2008.*

PASSED

COMMITTEE REPORTS TABLED

c-CR1	Management and Advisory Committee Reports
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REF.	DCS	107/1
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Submitting minutes of the following nine (9) Committee meetings that will be tabled for information.

1. Bong Bong Common Management Committee meeting Tuesday 27 November 2007
2. Bong Bong Common Management Committee meeting Tuesday 5 February 2008
3. East Bowral Community Centre Management Committee meeting Tuesday 29 January 2008
4. Exeter Park Management Committee meeting Monday 4 February 2008
5. Exeter Park Management Committee Executive meeting Monday 3 March 2008.
6. Mittagong Community Centre Management Committee meeting Thursday 14 February 2008
7. Mittagong Memorial Hall Management Committee meeting Thursday 6 March 2008
8. Moss Vale Senior Citizens and Community Centre Management Committee meeting Monday 4 February 2008
9. Wingecarribee Aboriginal Advisory Committee Meeting Tuesday the 26 February 2008

MN 110/08

MOTION moved by Cllr P Yeo and seconded by Cllr N N Campbell-Jones:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 2 April 2008.

PASSED

COMMITTEE REPORTS ATTACHED

c-CR1	Legal Committee
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REF	DEP	107/22
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Submitting minutes of the Legal Committee meeting held on Wednesday, 12 March 2008.

MN 111/08

MOTION moved by Clr P Yeo and seconded by Clr N N Campbell-Jones:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 2 April 2008.

PASSED

c-CR2	Moss Vale Livestock Selling Centre Strategic Advisory Board
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REF	PPM	7170/01
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Submitting minutes of the Moss Vale Livestock Selling Centre Strategic Advisory Board meeting held on Friday, 7 December 2007.

MN 112/08

MOTION moved by Clr P Yeo and seconded by Clr N N Campbell-Jones:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 2 April 2008.

PASSED

CORPORATE SERVICES DIVISION

c-CS1 Closed Council

To consider moving into Closed Council.

At this juncture, the time being 7.49pm, 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 113/08

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

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:**

EP-1 HERITAGE SURVEY

5650; 5650/4

Relevant Legal Provisions

This report is placed in 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

Reporting on the expressions of interest submitted by consultants for the heritage survey which aims to identify, assess and list potential items of environmental heritage.

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.

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

PASSED

GENERAL MANAGERS REPORT

EP-1 Heritage Survey

REF: DEP

5650; 5650/4

Relevant Legal Provisions

This report is placed in 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

Reporting on the expressions of interest submitted by consultants for the heritage survey which aims to identify, assess and list potential items of environmental heritage.

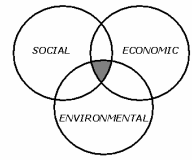
Public Interest

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.

The Committee on a MOTION moved by Clr P Yeo seconded by Clr L A C Whipper
RECOMMENDED:

THAT Architectural Projects Pty Ltd be appointed to undertake the heritage survey.

PASSED



GENERAL BUSINESS

1. BLUE GUM ROAD, BUNDANOON ROAD WIDENING RD 1809

Clr J Clark stated that survey pegs have now appeared in Blue Gum Road, Bundanoon and asked if Council had resolved the issue of the clearing of endangered ecological communities and the permissibility of vegetation removal for road widening in this vicinity?

He also asked if residents can be assured that an absolute minimum of vegetation removal will occur.

OPEN COUNCIL

MN 114/08

MOTION moved by Clr G Lewis seconded Clr P B Tuddenham:

THAT Council moves back into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

107/9

MN 115/08

MOTION moved by Clr G Lewis seconded Clr P B Tuddenham:

THAT the recommendations of the Closed Council held on Wednesday, 26 March 2008 GM - 1 be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

107/10

MN 116/08

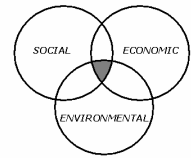
MOTION moved by Clr G Lewis seconded Clr N N Campbell-Jones:

THAT the recommendations of the Open Council held on Wednesday, 26 March 2008 being OC 24/08 to OC 41/08, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 26 March 2008



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

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 26 March 2008 numbered MN 95/08 to MN 116/08, were signed by me hereunder at the Council Meeting held on Wednesday, 2 April 2008.

CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 2 APRIL 2008

CHAIRMAN

PUBLIC OFFICER



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 26 March 2008

