

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/08



held on Wednesday, 10 September 2008

The meeting commenced at 3.35 pm.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 10 September 2008



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COMMENCING AT: 3.35 pm

PRESENT: Councillor Gordon Lewis (Mayor) in the Chair
Clr NN Campbell-Jones, Clr J R Clark, Clr T D Gair,
Clr P A George (4.05pm), Clr M L King, Clr J E Mauger, Clr M J
Murray, Clr S Murray (4.10pm), 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 (AOJ)

PRAYER

100/1

The meeting was opened in prayer led by Pastor John Wheeler (Transport for Christ).

OPEN COUNCIL

107/10

MN 352/08

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

**THAT Council moves into Open Council to discuss various matters listed in the
Agenda with Clr P B Tuddenham in the chair.**

PASSED

At this juncture, the Mayor, Clr G Lewis left the meeting.

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON Wednesday, 28 August 2008

100/1

OC 224/08

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 27 August 2008 MN 326/08 to MN 351/08 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

DECLARATIONS OF INTEREST

101/3

Clr P Yeo declared a non-pecuniary interest in Item o-CS1 – Item 7 Bong Bong Common Management Committee as he has been nominated as a member of the Committee.

He stated he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.

Clr T D Gair declared a non-pecuniary interest in Item o-TS1 Bowral Golf Course Detention Scoping Study as his son is the Superintendent of the Golf Club and The General Manager of the Golf Club is a member of his group for the forthcoming elections.

He stated he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.

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 18/8/08 and 2/9/08.

OC 225/08

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

THAT the information regarding the Development Consent No's 1-19 received by Council 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 18th August 2008 to 2nd September 2008, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

It was noted that there were only 9 items for consideration in this matter not 10 as detailed in the report.

OC 226/08

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

THAT the information regarding the List of Land Use Applications No's 1-10 received by Council be received and noted.

PASSED

Matters Arising from Development Applications received by Council

1. AIRCRAFT & CAR ANNUAL EVENT DAY (MITTAGONG AIRSTRIP) LUA08/0875

Clr T D Gair referred to Item 4 and requested information in relation to their application for Aircraft and Car Annual Event Day.

The Director of Environment & Planning stated that he would provide more details in Council's Weekly Circular.

2. DWELLING SWIMMING POOL & DETACHED ANCILLARY BUILDING
GUEST PAVILION 2 BEDROOMS AND CARPORT 4 CARS) LUA08/0830

Clr N N Campbell-Jones referred to Item 5 and asked for additional information.

The Director of Environment & Planning stated that he would provide more details in Council's Weekly Circular.

3. 3 x ADDITIONAL UNITS (SENIORS LIVING NEAR KENILWORTH) LUA08/0876

Clr P Yeo referred to Item 2 and requested additional details in relation to open space provisions for this development.

The Director of Environment & Planning stated that he would provide more details in Council's Weekly Circular.

o-EP3 Land Use Applications Received

REF: DCM

5302

Submitting a list of Land Use Applications received under delegated authority of the Director of Environment & Planning for the month of August 2008.

OC 227/08

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

THAT the information regarding the List of Land Use Applications received by Council for the month of August 2008, be received and noted.

PASSED

o-EP4 Proposed S96(2) Modification to consent for approved Hall, Museum, Library, Monastery Accommodation and Car Park at Penrose Park, Sutton Forest

REF: DCM

LUA06/1037

Reporting on a S96(2) Application for modification to Council's approval for a hall, Museum, Library, Monastery Accommodation and Car Park at Lot 9 DP 241054 Hume Highway, Sutton Forest.

Director of Environment and Planning advised of a meeting earlier in the day with Councillors and Sydney Catchment Authority concerning the Conditions of Consent for this application.

OC 228/08

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

1. **THAT Council approves the S96(2) application to amend LUA06/1037 in relation to conditions 5, 22, 35 and 36 consistent with the changes recommended by Council staff within this report.**
2. **THAT Council not support the amendment to conditions 24(vii) and 46(b)(v).**

PASSED

o-EP5 Section 64 Plan Reviews

REF: SPM

5701/8, 5701/7

This report provides the results of advertising the Draft Section 64 Development Servicing Plans for Water and Sewerage Services. It is recommended that the Draft Plans be adopted and take effect immediately.

OC 229/08

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

1. **THAT the amendments to the following Draft Developer Contributions Plans be adopted by Council:**
 - **Wingecarribee Shire Council Water Supply**
 - **Wingecarribee Shire Council Sewerage.**
2. **THAT notification of the adoption of the Plans be advertised in a public newspaper.**
3. **THAT Council registers the Draft Section 64 Development Servicing Plans for Water and Sewerage Services with Department of Water and Energy.**

PASSED

CORPORATE SERVICES DIVISION

o-CS1 Committee Appointments & Resignations

REF: MAS 107/1 7216/1 72224/1 7212/1 6529/5.1 6531/1.1 7208/1 6530/1.1

Reporting on Management Committee Appointments and Resignations.

Interest: Clr P Yeo declared a non-pecuniary interest in this matter due to his nomination as a member of the Bong Bong Common Committee. He left the chamber, took no part in the debate and refrained from voting thereon.

OC 230/08

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

1. **THAT Council accepts with regret the resignation of Denise Heapy and Sandra D'Adam and appoints Lillian Melrose, Joyce Wood, Ken Pogson, Penelope Barcicki, Catherine Davies, John Rose and Neville Smith to the Moss Vale Senior Citizens & Community Centre Management Committee AND THAT Denise Heapy, Sandra D'Adam, Lillian Melrose, Joyce Wood, Ken Pogson, Penelope Barcicki, Catherine Davies, John Rose and Neville Smith be notified of Council's determination.**
2. **THAT Fred Hambridge, Jane Wiltshire, Peter Kruss, Leigh Thomas, Kim Overall and Grace Romeo be appointed to the Yerrinbool Community Facilities Management Committee AND THAT Fred Hambridge, Jane Wiltshire, Peter Kruss, Leigh Thomas, Kim Overall and Grace Romeo be notified of Council's determination.**
3. **THAT Council accepts with regret the resignation of Janeen Dale and appoints Stephen Chalker, Peter Martyn, Sidney Jeffery, Dorothy Hinschen, Merie Jeffery, Darlene Bishop, Chris Wenberg, Tony Jagicic and Naomi Smith to the Hill Top Community Centres Management Committee AND THAT Janeen Dale, Stephen Chalker, Peter Martyn, Sidney Jeffery, Dorothy Hinschen, Merie Jeffery, Darlene Bishop, Chris Wenberg and Tony Jagicic be notified of Council's determination.**
4. **THAT Council accepts with regret the resignation of John Kelly and John Leah and appoints Chris Petersen, Peter Rocca, Graeme Hines, John Hines, Cameron Reid and Dennis Day to the Bundanoon Oval & Ferndale Reserve Management Committee AND THAT John Kelly, John Leah, Chris Petersen, Peter Rocca, Graeme Hines, John Hines, Cameron Reid and Dennis Day be notified of Council's determination.**

5. ***THAT*** Council accepts with regret the resignation of Wal Engel, Ed Woolfrey and Paul Wright and appoints Lesley Daley, Jon Hill, Michael Vaughan, Russell Watman, Gregory Schofield and Bruce Mumford to the Burrawang Park Management Committee AND THAT Wal Engel, Ed Woolfrey, Paul Wright, Lesley Daley, Jon Hill, Michael Vaughan, Russell Watman, Gregory Schofield and Bruce Mumford be notified of Council's determination.
6. ***THAT*** Fred Dawson, Marika Schmidhofer, Joseph Arahill, Ina Smith, Joe Buhagiar, Don Chapman, Ian Mackinnon, Anne McMillan, Margaret-Ann Mann and David Thompson be appointed to the East Bowral Community Centre Management Committee AND THAT Fred Dawson, Marika Schmidhofer, Joseph Arahill, Ina Smith, Joe Buhagiar, Don Chapman, Ian Mackinnon, Anne McMillan, Margaret-Ann Mann and David Thompson be notified of Council's determination.
7. ***THAT*** Council accepts with regret the resignation of Professor Ian Jack and Sandra Everett and appoints Linda Emery, Roslyn Allan, Ann Beaumont, Phil Yeo and Sarah Gray to the Bong Bong Common Management Committee AND THAT Professor Ian Jack, Sandra Everett, Linda Emery, Roslyn Allan, Ann Beaumont, Phil Yeo and Sarah Gray be notified of Council's determination.
8. ***THAT*** Moss Vale Senior Citizens & Community Centre management Committee, Yerrinbool Community Facilities Management Committee, Hill Top Community Centres Management Committee and Bundanoon Oval & Ferndale Reserve Management Committee, Burrawang Park Management Committee, East Bowral Community Centre Management Committee and Bong Bong Common Management Committee be notified of Council's determination.
9. ***THAT*** Council acknowledge the excellent work that has been undertaken by the various Committee members during the year.

PASSED

o-CS2	Licence Agreement for Use of Part Senior Citizens Building, Queen Street, Moss Vale
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REF:	PO
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1801/2, DEE159

Reporting on a request from Volunteering Wingecarribee Inc to relocate their operations to part of the Senior Citizens Building in Queen Street, Moss Vale.

OC 231/08

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

1. **THAT Council give written notice to Volunteering Wingecarribee Inc of the proposed termination of the lease relating to 556 Argyle Street, Moss Vale.**
2. **THAT Council agrees to enter into a Licence Agreement with Volunteering Wingecarribee Inc. for the use of part of the Senior Citizen's Building, Queen Street, Moss Vale, for an initial period of five (5) years with two options of renewal, each of five (5) years duration.**
3. **THAT the annual Licence fee be \$1.00 if demanded.**
4. **THAT the Licence Agreement for the use of part of the Senior Citizen's Building, Queen Street, Moss Vale, be executed under the Common Seal of the Council.**
5. **THAT the Senior Citizens Management Committee be advised of Council's decision.**

PASSED

o-CS3 Renewal and Amendment of Licence Agreement for Use of Facilities On Mt Gibraltar Tower with Wireless Site Communications

REF: PO

7130/2

Reporting on a request by Wireless Site Communications for the renewal and amendment of the Licence Agreement for the use of radio transmission facilities on the Mt Gibraltar Tower.

OC 232/08

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

1. **THAT Council not approve the request for a reduction in the Licence Fee payable by Wireless Site Communications.**
2. **THAT, should Wireless Site Communications wish to continue operations at the Mt Gibraltar radio transmission facility, the terms and conditions of the new Licence Agreement be in line with the existing agreement, with the licence fee to increase annually by 5% or CPI whichever is the greater AND THAT the Licence Agreement be executed under the Common Seal of the Council.**

PASSED

o-CS4 Investments as at 31 July 2008

REF: FSM

2104

Submitting details of Council's Investments as at 31 July 2008

The Director of Corporate Services advised that the Investment Reconciliation for August 2008 would be tabled at the September Ordinary Council meeting.

OC 233/08

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 31 July 2008 be received and noted.

PASSED

At this juncture, the time being 3.55pm, Mayor Clr Gordon Lewis joined the meeting.

o-CS5 Code of Meeting Practice re Pecuniary Interest

REF: MAS

100/3

Reporting on amendments to the Code of Meeting Practice in relation to Pecuniary Interest matters.

OC 234/08

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

1. **THAT Council amends its current Code of Meeting Practice in that it deletes the information detailed in items 6.1 to 6.8, entitled Pecuniary Interests, adopted by Council on 9 July 2008 and replace the subject matter with the information detailed in items 7.1 to 7.20, entitled "conflicts of Interests" in its Code of Conduct adopted by Council on Wednesday, 9 July 2008.**

PASSED

o-CS6 Councillors' Access to Information and Interaction with Staff

REF: MAS

101/13

Reporting on amendments to the Code of Meeting Practice and the subsequent changes to Council's policy concerning Councillors' access to information and Interaction with Staff.

OC 235/08

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

1. **THAT** in relation to recent changes to Council's Code of Conduct the Wingecarribee Shire Council Policy relating to Councillors' Access to Information and Interaction with Staff be amended to reflect those changes detailed in items (a) to (f) of the report.

PASSED

o-CS7 Request for Council Seal re. Renwick Stage 1 Subdivision and Adoption of Voluntary Planning Agreement

REF: DCM

LUA07/0946

Reporting on request for Council to approve the Council Seal for the agreement with Landcom.

OC 236/08

The Committee on a MOTION moved Clr M Murray and seconded Clr G Lewis
RECOMMENDED:

THAT the Voluntary Planning Agreement between Wingecarribee Shire Council and Landcom be executed under the Common Seal of the Council.

PASSED

**REPORT OF CORPORATE SERVICES DIVISION
SUPPLEMENTARY REPORT**

o-CS8 Pensioner Rate Rebate Claim Number No139

REF: FSM

2211/2007

Submitting a report on the details of amounts written off and amounts to be claimed from the Department of Local Government for pensioner rates rebates granted on general rates, garbage accounts, water and sewerage accounts from 1 May 2007 to 31 August 2008.

The Director of Corporate Services advised Council that sufficient notice of this matter was not provided to Councillors and that the matter would need to be treated as a Matter of Urgency to ensure that Council can claim the Pension Rates Rebate from the Department of Local Government.

MATTER OF URGENCY

OC 237/08

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

THAT the matter of Pensioner Rate Rebate be considered as a matter of urgency due to the financial implications.

PASSED

OC 238/08

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

- THAT Council authorise the abandonment of \$1,008,393.77 for the Pensioner Rebate Claim Number 139.**
- THAT \$554,616.58 be claimed from the State Government.**

PASSED

CHAIRMAN

At this juncture, the time being, 4.00pm the Mayor, Clr G Lewis resumed the Chair.

TECHNICAL SERVICES DIVISION

o-TS1	Bowral Golf Course Detention Scoping Study
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REF:	DPM	8100/8
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Report on the scoping study for the development of a stormwater detention system on Bowral Golf Course.

MN 353/08

MOTION moved Clr M Murray and seconded Clr P B Tuddenham:

- THAT Council notes the findings of the Bowral Golf Course Detentions Scoping Study;***
- THAT the Bowral Golf Course Detention system be considered in future budgets, subject to the outcomes of grant funding applications.***

PASSED

o-TS2 Bundanoon Sewerage Augmentation – Funding Offer
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REF: MBW

7614

Presenting details of an offer of funding from the Minister for Water in relation to the Bundanoon Sewerage Augmentation Scheme.

Interest: Clr D Gair declared a non-pecuniary interest in this matter due to his son holding the position of Superintendent on the Golf Club and that the General Manager of the golf Club is a member of his group for the forthcoming elections. He left the Chamber, took no part in the debate and refrained from voting thereon.

MN 354/08

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

1. **THAT** the offer of financial assistance of \$6,404,870.00 towards the Bundanoon Sewerage Scheme from Phillip Costa MP, Minister for Water, Rural Affairs and Regional Development be accepted;
2. **THAT** the conditions for using government funds for the construction of water supply and sewerage scheme be executed under the Common Seal of Council;
3. **THAT** a letter of congratulations be forwarded to Phillip Costa MP on his appointment as Minister for Water, Rural Affairs and Regional Development.

PASSED

COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 Weekly Circulars

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 355/08

MOTION moved by Clr M Murray and seconded by Clr T D Gair:

THAT the information relating to Local Government Weekly Circulars Nos 33/08 - 34/08 and Council Weekly Circulars Nos 35/08 - 36/08 be noted.

PASSED

At this juncture, the time being 4.05pm, Clr Penny George joined the meeting.

SUSPENSION OF STANDING ORDERS

101

1. c-GM2 RETIRING COUNCILLORS

Clr P Yeo suggested that ***Item c-GM2 Retiring Councillors*** be deferred and considered as the last item on the business paper.

MN 356/08

MOTION moved by Clr P Yeo and seconded by Clr M Murray:

THAT item c-GM2 be deferred as the last item on the business paper. (Refer Minute Number 363/08.)

PASSED

QUESTIONS FROM THE PUBLIC

QUESTIONS FROM THE PUBLIC

1. WINIFRED WEST PARK 6545/11, LUA05/0832

Charlie Johns from the Mittagong Regional Chamber of Commerce noted the Developer of Mittagong Central has done some work to rectify the mess he left at Winifred West Park and asked if Council Officers will follow up on this matter as just covering it with soil will not be enough when it rains?

The Director of Environment and Planning advised Council that he will follow up on this request.

2. POT HOLES – BOWRAL HOSPITAL 7810/3

Pam Baker stated that there are huge pot holes in the adjoining streets around Bowral Hospital which required attention.

The Director of Technical Services responded that these will be attended to.

At this juncture, time being 4.10pm, Clr S Murray entered the Chambers.

OTHER MATTERS

QUESTIONS WITH NOTICE

c-QWN1 QWN 02/08 – Substantiation of Accusations Against Councillors and Staff

REF.	GM	101/2
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To: General Manager
From: Clr NN Campbell-Jones
Received: 21 August 2008

Reference: Ordinary Meeting of Council 27 August 2008 MN 336/08 resolved:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 10 September 2008 when Clr N N Campbell-Jones is present.

Subject: Substantiation of accusations against Councillors and Staff

- Question:**
1. Will Councillor Jim Mauger substantiate his accusations against Councillors and staff made to ICAC of over a year ago and the current accusations being made to ICAC.
 2. Would Councillor Mauger please give his opinion on how the current specific accusations were the subject of conversation at the sale yards when the only people who should know the details are himself, the General Manager, the Director Corporate Services and ICAC.

MN 357/08

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

THAT the Questions with Notice be noted.

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 six (6) Committee meetings that will be tabled for information.

REPORT

1. Bundanoon Oval & Ferndale Reserve Management Committee Annual General meeting 5 September 2007.
2. Bong Bong Common Management Committee Annual General Meeting Tuesday 28 August 2007.
3. Bong Bong Common Management Committee meeting Tuesday 10 June 2008.
4. Moss Vale Senior Citizens and Community Centre Management Committee Annual General Meeting Monday 18 August 2008.
5. Robertson Community Centre Annual General Meeting Wednesday 13 August 2008.
6. Robertson Community Centre Management Committee meeting Wednesday 13 August 2008.

MN 358/08

MOTION moved by Cllr M Murray and seconded by Cllr P B Tuddenham:

THAT the information contained in the Committee Reports be noted.

PASSED

COMMITTEE REPORTS ATTACHED

c-CR2	Environment and Sustainability Committee
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REF.	DTS	5465/29.01
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Submitting minutes of the Environment and Sustainability Committee Meeting held on Wednesday, 13 August 2008.

MN 359/08

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

THAT the recommendations No's 1 to 11 as detailed in the minutes of the Environment and Sustainability Committee Meeting held on Wednesday, 13 August 2008 be adopted with the exception of Item 10 - Berrima Public School Sustainability Project – Strawbale Multipurpose Classroom on Page 53 of the business paper.

PASSED

1510/2

1. **BERRIMA PUBLIC SCHOOL SUSTAINABILITY PROJECT**
– STRAWBALE MULTIPURPOSE CLASSFROM

Clr T D Gair asked that the Environment and Sustainability Committee contact the organisers of the Berrima Public School Strawbale Multipurpose Classroom Project to offer the donation of the DA fees towards the Project. It was suggested that a donation equivalent to the fees be made from the Mayor's/General Manager's Discretionary Vote.

MN 360/08

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

THAT Upon payment of Land Use Application fees, Council donate the equivalent amount to the Berrima Public School in respect of its Sustainability Project - Strawbale Multipurpose Classroom Project AND THAT the donation be allocated from the Mayor/General Manager Discretionary Vote.

PASSED

GENERAL BUSINESS

1. ROAD COLLAPSE – OLD SOUTH ROAD/RANGE ROAD ROUNDABOUT 7451, RD1587, RD3189

Clr J Mauger – asked if Councillors will get a full report on this matter and will it contain details of design which obviously did not take into account the Springs which underlay this area. What steps are being taken to ensure this type of oversight does not occur again?

The Director of Technical Services - advised that a fully report will be submitted to Council.

2. PENROSE TOUR 7460/29

Clr M King - taken on a tour of streets in Penrose in relation to the Quinns Fire Trail – Penrose and asked if it could be investigated?

The Director of Technical Services - advised that this request will be investigated.

3. REPAIR OF POT HOLES 7810/3

Clr M Murray - asked when will report be available on how pot holes in the Shire are repaired?

The Director of Technical Services - advised that a report is being undertaken this week.

4. ROUNDAABOUT AT RANGE ROAD 7451, RD1587, RD3189

Clr S H Murray – referred to the landslip at Range Road and asked how long will the roundabout be closed?

The Director of Technical Services – that the road is currently open to two way traffic - northbound and a preliminary report is being undertaken for Councillors.

5. THANKING OUTGOING COUNCILLORS 101

Clr L A C Whipper – wished to acknowledge and farewell all Councillors around the table particularly the retiring Councillors and stated that – as a whole Council worked well together.

He thanked local newspapers and radio for their contribution in passing the word out to the local community. He also thanked the members of the gallery for participating.

7. TRUCK PARKING WATKINS DRIVE, MOSS VALE 5504/6

Clr J Clark – can Council officers investigate long term truck parking at a property in Watkins Drive, Moss Vale.

Residents have complained that an oversized vehicle for a residential street regularly parks both on and off street at a house in this street and advised that this vehicle also carries material emitting offensive odours and some health issues may result.

Director of Environment & Planning – will investigate the request.

8. PORTABLE ADVERTISING SIGN AT BUNNINGS 5406/3

Clr P Yeo – referred to a portable advertising sign being used by Bunnings and asked if the sign is on Bunnings' land or does it have Council or RTA permission?

Director of Technical Services – advised that he will investigate the request.

9. CHELSEA GARDENS

5800/18

Clr M Murray – referred to a request from the applicant of Chelsea Gardens (220 single dwellings within a retirement complex) for a Compatibility Certificate and wished to confirm if it was Council policy to sign off on Compatibility Certificates and if so should this matter be treated as a Matter of Urgency as Council is in Caretaker mode and the request cannot be met by the deadline of Monday, 15 September 2008.

The Director of Environment and Planning - advised that it is Council policy for it to sign off on Compatibility Certificates.

MATTER OF URGENCY

MN 361/08

MOTION moved by Clr P Yeo and seconded by Clr M Murray:

THAT this be considered as a matter of urgency due to the impending deadline.

PASSED

The Mayor ruled that this matter be considered as a Matter of Urgency.

MN 362/08

MOTION moved by Clr P Yeo and seconded by Clr M Murray:

- 1. THAT Council advise the Department of Planning that it is Council Policy for it to approve any comments in relation to Compatibility Certificates for seniors living developments in the Shire.***
- 2. THAT as Council is in Caretaker mode, as decreed by the Department of Local Government, it advise the Regional Director of Planning at the Department of Planning (Illawarra) that Council is unable to meet the deadline given for their comments on the application for Site Compatibility Certificate at Chelsea Gardens, Moss Vale.***
- 3. THAT Council advise the Department of Planning at (Illawarra) that it will consider the request for a site compatibility certificate at its first meeting following the Council election.***
- 4. THAT Council reminds the Department of Planning (Illawarra) of its recently submitted letter to the Minister for Planning requesting a moratorium on SEPP 5 developments in the Wingecarribee Shire.***

PASSED

GENERAL MANAGER'S REPORTS

c-GM2	Retiring Councillors
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REF.	GM	101
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Recognising the service of five Councillors who are retiring from local government this year.

The General Manager presented Certificates of Appreciation to Councillor Penny George, Councillor Nick Campbell-Jones, Councillor Sara Murray, Councillor Phil Yeo and Mayor Councillor Gordon Lewis.

Clrs P B Tuddenham, Clr J Clark, Clr T D Gair, Clr M King, Clr J Mauger, Clr M Murray and Clr L A C Whipper offered their congratulations and best wishes to the retiring Councillors.

Councillor Penny George, Councillor Nick Campbell-Jones, Councillor Sara Murray, Councillor Phil Yeo and Mayor Councillor Gordon Lewis thanked the Councillors for their warm words of congratulations and best wishes as retiring Councillors.

MN 363/08

MOTION moved by Clr P B Tuddenham and seconded by Clr M King:

THAT the service of the five retiring Councillors be gratefully acknowledged.

PASSED

CLOSED COUNCIL

CORPORATE SERVICES DIVISION

c-CS1 Closed Council

To consider moving into Closed Council.

At this juncture, the time being 6.30 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 364/08

MOTION moved by Clr P Yeo 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 report:

c-CS1 **BRIEFING ON CURRENT STATUS OF LEGAL MATTER WSC V LEHMAN BROTHERS AUSTRALIA** 107/9, 2104

Relevant Legal Provisions

This report is placed in Closed Committee under Clause 10A2(g) of the Local Government Act, as it contains information that references advice that may be subject of legal professional privilege.

Brief Description

Considering an update on the current status of legal matters. WSC V Lehman Brothers Australia.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information that may be subject 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

c-CS1 Update on Lehman Brothers Australia

REF. DCS

107/9, 2104

Relevant Legal Provision

This report is placed in Closed Committee as it contains commercial information of a confidential nature, under Clause 10A(2)(d) of the Local Government Act.

Brief Description

Reporting on tenders received for the provision of Internal Audit Services.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains commercial information of a confidential nature.

Clr S H Murray requested that her name be registered as opposing the continuance of Council proceeding with the court case against Lehman Brothers.

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

THAT the information provided in relation to WSC V Lehman Brothers Australia be received and noted.

PASSED

OPEN COUNCIL

MN 365/08

107/10

MOTION moved by Clr P Yeo seconded Clr M Murray:

THAT Council moves back into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

MN 366/08

107/9

MOTION moved by Clr P Yeo seconded Clr M Murray:

THAT the recommendations of the Closed Council held on Wednesday, 10 September 2008 (Item c-CS1) be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

MN 367/08

107/10

MOTION moved by Clr P Yeo seconded by Clr M Murray:

THAT the recommendations of the Open Council held on Wednesday, 10 September 2008 being OC224/08 to OC238/08, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 10 September 2008
CLOSED COUNCIL



THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.15 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, numbered MN352/08 to MN367/08, were signed by me hereunder at the Council Meeting held on Wednesday, 8 October 2008.

CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 8 OCTOBER 2008

CHAIRMAN

PUBLIC OFFICER



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 10 September 2008
CLOSED COUNCIL

