

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/08



held on Wednesday, 11 March 2009

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, 11 March 2009

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 March 2009

COMMENCING AT: 3.30 pm

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

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

PRAYER

100/1

The meeting was opened in prayer led by Pastor Joshua Miller of the Christian Centre, Moss Vale.

APOLOGY

PERS

There were no apologies at this meeting.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY,
25 FEBRUARY 2009

100/1

MN 68/09

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 25 February 2009 MN 50/09 to MN 67/09 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

BUSINESS ARISING

Nil



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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DECLARATIONS OF INTEREST

101/3

Clr L A C Whipper declared a non-pecuniary interest in Item o-EP7 Transitional Housing for Vulnerable Young People as, in his role as an Adolescent Support Worker, he works in partnership with Vinnies Youth Housing. He stated that he would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.

Clr D Stranger declared a significant non-pecuniary interest in Item v-EP1 Alterations & Additions to Sutton Forest Inn, as one of the directors of the Sutton Forest Inn, Mr Richard Field, is a client of his business. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.

OPEN COUNCIL

MN 69/09

107/10

MOTION moved by *Clr P B Tuddenham* and seconded by *Clr G McLaughlin*:

THAT Council moves into Open Council to discuss various matters listed in the Agenda with *Clr David Stranger* in the Chair.

PASSED



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 March 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

VISITOR ITEM

ENVIRONMENT & PLANNING DIVISION

v-EP1 Proposed Subdivision (2 Lots) – Lot 41 DP1045309, Cnr Sally's Corner and Old Argyle Roads, Exeter

REF: DCM

LUA06/0603

Reporting on a development application for the subdivision of Lot 41 DP1045309, corner Sally's Corner and Old Argyle Roads, Exeter.

Mr Darren Hogan from Bureaucracy Busters was in the Chamber to address Council on behalf of the applicant on this matter.

The Director Environment & Planning advised that the Applicant had requested that the matter be held over until the next Council Meeting on Wednesday, 25 March 2009, as there was more information to be brought before Council, noting that there are some further issues to be clarified.

OC 16/09

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

THAT this matter be deferred for consideration to the next full meeting of the Council on Wednesday, 25 March 2009, or until the facts of this matter have been investigated.

PASSED

VOTING ON THE MOTION:

Voting for the Motion:

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

Voting Against the Motion:

Nil



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 March 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

v-EP2 Proposed Landscaping Supply Yard, Hume Highway, Braemar

REF: SPM

LUA 08/0493

Reporting on a proposed landscaping supply yard at Lot 3 DP 607486 Hume Highway, Braemar.

Mr Ronald Barnes addressed Council on behalf of the objectors on this matter.

Mr Murray Dummer, for the applicant, was not in attendance at the meeting.

OC 17/09

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

THAT LUA08/0493 for the establishment of a Landscape Supply Yard & Plant Hire Equipment at Lot 3 DP 607486 Old Hume Highway, Braemar, be refused for the following reasons:

1. ***The method of access to the development is unacceptable having regard to existing and proposed vehicular movement from the Old Hume Highway.***
2. ***The level of noise emanating from the proposed development, namely truck movements, would be above standards for that location - reference EPA Standard Industrial Noise.***
3. ***Dust issues.***
4. ***The proposed development is out of character with the adjoining residential area.***
5. ***The proposed development is out of character with Council's Northern Gateway Strategy.***

PASSED

VOTING ON THE MOTION:

Voting for the Motion:

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

Voting Against the Motion:

Nil



TECHNICAL SERVICES DIVISION

v-TS1 Integrated Water Cycle Management Evaluation Study and Strategy Plan

REF: WSM

7799/4

The purpose of this report is to recommend the formal adoption of Council's Integrated Water Cycle Management (IWCM) Evaluation Study and Strategy Plan.

Council's Water and Sewer Manager, Mr Selva Selvaratnam, was in attendance at the meeting to address Council and answered questions on the Study and Strategy Plan.

OC 18/09

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

THAT the Integrated Water Cycle Management Evaluation Study and Strategy Plan, including the following actions:

1. **Implement the actions in the BAU scenario;**
2. **Refer the non-IWCM issues to the relevant body or branch of WSC. Review the status of each issue and the solutions proposed on a regular basis and formally at the next IWCM review;**
3. **Conduct a gap analysis for compliance with the ADWG Framework for the Management of Drinking Water Quality and adopt actions resulting from this analysis;**
4. **Gather relevant data in relation to groundwater availability for emergency supplies;**
5. **Consult with DWE & SCA during preparation of the Water Sharing Plans in relation to town water entitlements and extraction conditions;**
6. **Expand the customer database to include additional customer categories;**
7. **Improve the accuracy of water loss prediction through the use of reservoir drop tests and/or water loss management/leakage studies;**
8. **Commence a formal risk management process for adaptation to climate change, including water sensitive urban design strategies, across all areas of Council responsibility;**
9. **Update the remaining best-practice management plans to achieve compliance with the DWE guidelines; and**
10. **Review the IWCM Strategy prior to 2014 to ensure the identified issues have been adequately addressed and no additional issues have arisen;**

be adopted.

PASSED



OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

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

REF: DCM

5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 16/2/09 and 2/3/09.

OC 19/09

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

THAT the information relating to Development Consent Nos 1-9 under Delegated Authority be received and noted.

PASSED



o-EP2 List Of Land Use Applications Received By Council

REF: DCM

5302

Submitting list of development applications which have been received between 16/2/09 and 2/3/09, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

OC 20/09

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

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

PASSED

Matters Arising from Development Applications Received by Council

1. LOT 13 DEP 858747 RAILWAY ROAD, BURRADOO (OXLEY COLLEGE)
LUA09/0121

Clr L A C Whipper asked for further information on the POPE for Oxley College and what it is in relation to?

The Director Environment & Planning advised that information on this matter will be included in the Weekly Circular.

CHAIRPERSON

At this juncture, the time being 4.42 pm, The Mayor Clr T D Gair resumed the Chair to consider Item o-EP3 Alterations & Additions to Sutton Forest Inn as Chair of Open Council, Clr D Stranger, declared a significant non-pecuniary interest and left the Chamber while this matter was determined.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP3 Alterations & Additions to Sutton Forest Inn

REF: DCM

LUA07/1118

Reporting on proposed alterations and additions to the Sutton Forest Inn at Lot 1 DP 64663 Illawarra Highway, Sutton Forest, which is 8.33 hectares in area, and located on the western side of the Illawarra Highway to the north of the Exeter Road / Illawarra Highway intersection.

At its meeting of 25 February 2009, Council resolved:

'THAT this matter be deferred for consideration to the next Ordinary meeting of Council to be held on Wednesday 11 March 2009 AND THAT an information session for Councillors be held on Wednesday 4 March 2009 prior to the matter being determined.'

Interest: Clr D Stranger declared a significant non-pecuniary interest in this matter as one of the Directors, Mr Richard Field, is a client of his business. He left the chamber, took no part in the debate and refrained from voting thereon.

-

*The Committee on a **MOTION** moved by Clr J G Arkwright and seconded by Clr P B Tuddenham **RECOMMENDED:***

1. THAT this application be approved with deferred commencement, with the deferred matters submitted in plans showing the removal of laundries; buildings 7 and 10 reduced to single stories; architectural details for all buildings, facades and coloured modelling showing samples of materials used plus all other alterations and additions as expressed in Attachment A dated 11 March 2009.
2. THAT all these conditions and their compliance to be communicated to Councillors through Council's Weekly Circular with Council retaining the right to bring any variance to these conditions back for deliberation by full Council.

OC 21/09

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

THAT the matter be deferred to the next meeting of Council on Wednesday, 25 March 2009, or the meeting on Wednesday, 8 April 2009, if the additional information from the applicant is not available by Wednesday, 25 March 2009.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 March 2009
REPORT OF DIRECTOR ENVIRONMENT & PLANNING

VOTING ON THE AMENDMENT:

Voting for the Amendment: ***Clr J R Clark, Clr K Halstead, Clr G McLaughlin,
Clr J Mauger and Clr L A C Whipper***

Voting Against the Amendment: ***Clr J G Arkwright, Clr T D Gair and
Clr P B Tuddenham***

AMENDMENT BECAME THE MOTION

MOTION PASSED

VOTING ON THE MOTION:

Voting for the Motion: ***Clr J R Clark, Clr T D Gair, Clr K Halstead,
Clr G McLaughlin, Clr J Mauger and
Clr L A C Whipper***

Voting Against the Motion: ***Clr J G Arkwright and Clr P B Tuddenham***

Clr Stranger rejoined the Chamber at this juncture.

QUESTIONS FROM THE PUBLIC

1. NORTHERN GATEWAY STRATEGY 5807, 5602/7

Mr Charlie Johns noted that in the draft Local Environmental Plan ('LEP') currently on public exhibition, land on the western side of the Old Hume Highway just beyond Braemar Drive up to Aylmerton Road is zoned Rural, and asked if under the Northern Gateway Strategy it is proposed that most of this land is to be rezoned Industrial to replace land on the eastern side of the Highway which in the Strategy is to be rezoned from Industrial to Residential. Mr Johns also noted that there is serious concern about the proposed Industrial rezoning and the visual aspect when entering the Southern Highlands. Mr Johns asked if the proposed zoning changes in the Northern Gateway Strategy go on public exhibition and, if so, when?

The Director Environment & Planning advised that the proposed zoning changes will go on public exhibition for comment, but not until final authorisation is received from the Department of Planning to make that particular LEP, as separate from the shire-wide LEP, and that this matter is in progress at the present time.

2. DEMOLITION OF EXISTING PUBLIC AMENITIES CANTEEN & CHANGE ROOMS & NEW AMENITIES WITH AERATED WASTEWATER SYSTEM (INCL DISABLED TOILET) LUA08/1260

Mrs Pam Cooper referred to a question she had raised at the Council meeting on Wednesday, 28 January 2009, in relation to the removal of condemned pine trees at the rear of the Exeter Hall. Mrs Cooper stated that these trees were past their "use-by" date and that no action had been taken. Mrs Cooper stated that these trees were potentially dangerous and asked if the situation could be attended to as soon as possible. Mrs Cooper referred to an article in "Your Times" (Autumn Edition) by Deb Richards titled "Pine Away" which refers to several pine trees in Oldbury Road, Sutton Forest, that were removed by Council officers who said the trees are messy, not native and older ones have 'reached their used-by date'.

The Director Technical Services advised that the matter will be taken on notice and Mrs Cooper will be notified of the outcome.



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QUESTIONS FROM THE PUBLIC

3. GENERAL MANAGER'S CONTRACT AND REMUNERATION 100/9

Mr Ian Scandrett asked the following:

- (i) Can the General Manager's contract be made available to the public?
- (ii) Can the General Manager's current salary and benefits be confirmed with a full statement of expenses for the last twelve (12) months provided?
- (iii) Should this "Open Council" request be declined, then the reasons be detailed, including the process for appeal, which might include FOI.

The Acting General Manager advised that all senior staff packages are detailed in the Annual Report each year which is a public document, so there is no secret about the General Manager's salary. In relation to senior staff contracts, that is an issue that involves particulars of individual personnel and that is not a public document.

4. ALTERATIONS & ADDITIONS TO SUTTON FOREST INN LUA07/1118

Mr Peter Cunningham asked if Councillors are aware that by removing the top floor of the buildings, that the mass of the building development immediately reduces to suit the aims of the DCP and that is basically what the argument is about.

5. ALTERATIONS & ADDITIONS TO SUTTON FOREST INN LUA07/1118

Mr Tom Tziallas asked if the original Consultant Heritage Architect's Report obtained by Council during spot re-zoning of the site in 2005/2006 is available and could it be produced and provided to Councillors?

6. TREES ON THE VERGES OF ROADS 7810/10.1, 7813/1

Mr Barry Anstee asked if Council could consider a policy for fallen trees on the verges of roads, particularly black wattles, which may be a threat in a bush fire situation?

The Director Technical Services advised that there is presently a policy which defines an envelope by which Council can maintain trees, but considering the recent experience in Victoria, Council should obtain appropriate advice from the Rural Fire Service and that a report will be brought to Council on the matter.

The Mayor Clr T D Gair advised that there is an information session scheduled with the Rural Fire Service on Wednesday, 22 April 2009, and this question will be raised at that meeting.



CHAIRPERSON

At this juncture the time being 6.10 pm Clr D Stranger resumed the Chair to conduct further items of Council Business commencing with Item o-EP4 on the Agenda.

ENVIRONMENT & PLANNING DIVISION (CONT)

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| o-EP4 | S82A Review: Proposed boundary adjustment and SEPP 1 Objection: High Range Road & Black Springs Road, High Range |
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| REF: | SPM | LUA07/1327 |
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Reporting on a s82A Review for boundary adjustment and SEPP 1 lodged for lots 31 DP 751275 & Lot 4 DP 1067399 High Range Road & Black Springs Road, High Range.

OC 22/09

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

1. **THAT** the s82A review of LUA07/1327 of the proposed subdivision at Lot 31 DP 751275 and Lot 4 DP 1067399 High Range Road & Black Springs Road, High Range be supported.
2. **THAT** Council seek the concurrence of the Department of Planning to the State Environmental Planning Policy No. 1 variation sought to the 40 hectare minimum lot size standard.
3. **THAT** upon receipt of advice from the Department of Planning, the Director Environment and Planning finalise the matter.

PASSED

VOTING ON THE MOTION:

Voting for the Motion:

*Clr T D Gair, Clr K Halstead, Clr J G Arkwright,
Clr J R Clark, Clr G McLaughlin, Clr D Stranger,
Clr P B Tuddenham and Clr L A C Whipper*

Voting Against the Motion:

Clr J Mauger



o-EP5 Proposed Dwelling & Pump-out Septic Tank at 8 Harman Street, Burrawang

REF: DCM

LUA08/1269

Reporting on proposed dwelling and pump-out septic tank installation at No 8 Lot 21 DP 1694 Harman Street, Burrawang.

OC 23/09

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

THAT based on the merits of this specific application, Council approve the use of a septic tank pump out system for effluent disposal from Lot 21 DP1694, No 8 Harman Street, Burrawang **AND THAT** subject to a detailed assessment of the application inclusive of potential flooding issues, the Director Environment and Planning finalise LUA 08/1269 under delegated authority including the conditions as generally set out in Attachment 1 to the Report.

PASSED

VOTING ON THE MOTION:

Voting for the Motion:

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

Voting Against the Motion:

Nil



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 11 March 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP6 Courtyard: Royal Hotel, Bong Bong Street, Bowral

REF: SPM

LUA08/1199

Reporting on a development application seeking authorisation of the existing courtyard/beer garden at the Royal Hotel, Lot 11 DP 547653 Bong Bong Street, Bowral.

-

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

THAT the matter be reported to the Legal Committee meeting in April 2009 with a view to taking the appropriate action in the Land & Environment Court AND THAT the owner be notified of this.

OC 24/09

AMENDMENT moved by Clr Tuddenham and seconded by Clr G McLaughlin:

1. **THAT determination of LUA08/1199 seeking authorisation of the existing courtyard/beer garden at the Royal Hotel, Lot 11 DP 547653 Bong Bong Street, Bowral be deferred.**
2. **THAT the applicant be invited to support the application with the lodgement of a draft Voluntary Planning Agreement that addresses the deficiency of four (4) on site car parking spaces and that a further report be submitted to Council for determination.**
3. **THAT if no submission is received from the applicant by 31 March 2009, the matter be reported to the Legal Committee meeting in April 2009 with a view to taking appropriate action in the Land & Environment Court.**

PASSED

VOTING ON THE AMENDMENT:

Voting for the Amendment: Clr T D Gair, Clr J G Arkwright, Clr J R Clark,
Clr K Halstead, Clr G McLaughlin, Clr J Mauger,
Clr D Stranger and Clr P B Tuddenham

Voting Against the Amendment: Clr L A C Whipper

AMENDMENT BECAME THE MOTION

MOTION PASSED

Voting on the Motion: Clr T D Gair, Clr J G Arkwright, Clr J R Clark,
Clr K Halstead, Clr G McLaughlin, Clr J Mauger,
Clr D Stranger and Clr P B Tuddenham

Voting against the Motion: Clr L A C Whipper



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP7 Transitional Housing for Vulnerable Young People

REF: SPM

1822/2 1823/1

This report is an action arising from the Council's Community Services Consultative Working Group seeking consideration in the 2009/2010 budget process of an annual Council donation of \$13,000 to enable provision of transitional housing assistance for young people living in the Wingecarribee Shire who are vulnerable and at risk due to homelessness.

Interest: Clr L A C Whipper declared a non-pecuniary interest in this matter as, in his role as an Adolescent Support Worker, he works in partnership with Vinnies Youth Housing. He remained in the chamber when this matter was discussed, took part in the debate and voted on the motion.

Council's Social Planner, Ms Margo McLelland addressed Council on this matter and answered Councillor's questions.

Clr J R Clark, in his role as Chair of the Community Services Working Group, thanked Margo McLelland for her assistance in preparing the report.

OC 25/09

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

1. **THAT Council give consideration in the 2009/2010 budget process to an annual donation of \$13,000 per annum from the base budget to Argyle Housing for the maintenance of two properties designated as transitional housing for homeless young people in the Wingecarribee Shire with priority of access given to clients referred by Highlands Adolescent and Family Services.**
2. **THAT if included in the 2009/2010 budget, Council also endorses an annual application of consumer price indexation (CPI) to this donation of \$13,000 for Argyle Housing to meet increasing maintenance costs of the two designated transitional housing properties.**

PASSED

CHAIRPERSON

At this juncture, the time being 6.36 pm, The Mayor Clr T D Gair resumed the Chair to conduct the remainder of Council Business.



CORPORATE SERVICES DIVISION

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| o-CS1 | State Property Authority Acquisition of Easements for the Bowral Sewerage Treatment Plant |
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| REF. | PO | 7601 |
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Reporting on a request received from the State Property Authority for the acquisition of easements for the Bowral Sewerage Treatment Plant.

MN 70/09

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

1. **THAT** *the following proposed easement be acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 by authority contained in the Local Government Act 1993 for the purposes of Bowral Sewerage Land Matters:*
 - (a) *an easement for sewer pipeline over that part of the site shown in Deposited Plan 1115429 as "(A) PROPOSED EASEMENT FOR SEWER PIPELINE 5 WIDE AND VARIABLE" within the bed of Mittagong Rivulet*
 - (b) *an easement for sewer pipeline over that part of the site shown in Deposited Plan 1128831 as "(A) PROPOSED EASEMENT FOR SEWER PIPELINE 5 WIDE" within the bed of Mittagong Rivulet*
2. **THAT** *minerals are to be excluded from this acquisition.*
3. **THAT** *this acquisition is not for the purposes of re-sale.*
4. **THAT** *it is noted that the necessary applications will be made by State Property Authority to the Minister for Local Government and the Governor.*
5. **THAT** *the Common Seal of the Council be affixed to all necessary documents associated with this acquisition.*

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 March 2009

REPORT OF DIRECTOR CORPORATE SERVICES

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| o-CS2 | Proposed Lease of Former Bundanoon Works Depot, Burgess Street, Bundanoon |
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| REF: | PO |
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| 7106, PN 279500 |
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Reporting on the proposed lease of the former Bundanoon Works Depot, being part of Lot 2 in Deposited Plan 777479, Burgess Street, Bundanoon, to Anglicare, Bundanoon Men's Shed Committee, Bundanoon Community Association and Bundanoon Highland Gathering for the purposes of a Men's Shed.

MN 71/09

MOTION moved by Clr J R Clark and seconded by Clr K Halstead:

1. **THAT** the offer of a joint Licence Agreement be made in writing to Anglicare, Bundanoon Highland Gathering, Bundanoon Community Association and Bundanoon Men's Shed Committee for the use of the former Bundanoon Works Depot, being part of Lot 2 in Deposited Plan 777479.
2. **THAT** the term of the licence be for an initial period of three (3) years with an option of a further two (2) years.
3. **THAT** the rental be \$1.00 per annum, if demanded.
4. **THAT** all outgoings for the property during the term of the licence be paid by the Licensees in equal shares.
5. **THAT** the licensees have and maintain as current public liability insurance in the sum of Ten Million Dollars (\$10,000,000.00) noting the interest of Wingecarribee Shire Council in respect of the shed.
6. **THAT** the offer of the Licence Agreement only formally be made to the parties named in item 1 above following lodgement of a Development Application to Council **AND THAT** should the Development Application be successful a Licence Agreement be executed under the Common Seal of the Council.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 11 March 2009

REPORT OF DIRECTOR CORPORATE SERVICES

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| o-CS3 Council Investments – Litigation Advice and Strategy |
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| REF: DCS, FSM |
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| 2104 |
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Councillors were recently provided with a confidential briefing on the status of various matters relating to Council's investment including: action by Council in the Federal Court of Australia; negotiations with PPB (Administrators Lehman Brothers Australia); negotiations on a Deed of Company Arrangement (DoCA); and other strategies currently being pursued to recover losses of capital on CDO's held by Council.

MN 72/09

MOTION moved by Cllr J G Arkwright and seconded by Cllr G McLaughlin:

1. **THAT** subject to the majority of NSW Council clients of Piper Alderman committing to the further retainers, that Wingecarribee Shire Council also commit to the further retainers.
2. **THAT** Council confirm a commitment of up to \$21,600 for costs incurred under these further retainers.
3. **THAT** in relation to the combined action by Councils, in the first instance Council pursues the status of the motion that was passed at the Local Government Conference at Broken Hill in 2008.

PASSED

Dissenting Vote

Cllr J Mauger requested that his dissenting vote be recorded in respect of this motion.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 March 2009

REPORT OF DIRECTOR TECHNICAL SERVICES

TECHNICAL SERVICES DIVISION

o-TS1 Bicycle Working Group

REF: RSO, AOE

7830/2

This report outlines the proposed Charter for the Bicycle Working Group and seeks approval to advertise for community members.

MN 73/09

MOTION moved by Clr J R Clark and seconded by Clr P B Tuddenham:

1. **THAT Council adopt the Structure and Terms of Reference for the Bicycle Working Group detailed in Attachment 1 to the report AND THAT Clr Juliet Arkwright be appointed as Chairperson of the Group.**
2. **THAT nominations be invited for one representative from each of the following community organisations:**

Highland Fling, Southern Highlands Bicycle Users Group, Southern Highlands Cycle Club, Ben Mikic Foundation and CANWIN.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 March 2009

REPORT OF THE GENERAL MANAGER

COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 Weekly Circulars

REF: GM

100/8, 203/2009

Confirming receipt of weekly circulars from the Local Government Association and Council weekly circulars.

MN 74/09

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

THAT the information relating to Local Government Weekly Circulars Nos 07/09 and 08/09 and Council Weekly Circulars Nos 07/09 and 08/09 be noted.

PASSED

COMMITTEE REPORTS TABLED

| | |
|--------------|--|
| c-CR1 | Management and Advisory Committee Reports |
|--------------|--|

| | | |
|------|-----|-------|
| REF: | DCS | 107/1 |
|------|-----|-------|

Submitting minutes of following four (4) Committee meetings that were tabled for information:

1. Penrose Hall and Recreation Reserve Committee held on Monday 10 November 2008
2. Mittagong Memorial Hall Management Committee held on Thursday 12 February 2009
3. Moss Vale Senior Citizens and Community Centre Management Committee held on Monday 16 February 2009
4. East Bowral Community Centre Management Committee held on Tuesday 24 February 2009

MN 75/09

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

THAT the information contained in the four (4) Committee Reports be noted.

PASSED



COMMITTEE REPORTS ATTACHED

| | |
|--------------|---|
| c-CR2 | Minutes of Finance Sub Committee (Council's Investments) |
|--------------|---|

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|------|-----|--------|
| REF: | DCS | 107/22 |
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Submitting minutes of the Finance Sub Committee (Council's Investments) meeting held on Wednesday, 11 February 2009.

MN 76/09

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

THAT the minutes of the Finance Sub Committee meeting held on Wednesday 25 February 2009 be noted.

PASSED

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| c-CR3 | Minutes of the Traffic Committee |
|--------------|---|

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|------|----|-------|
| REF: | TE | 107/6 |
|------|----|-------|

Submitting minutes of the Traffic Committee meeting held on Monday 2 March 2009.

MN 77/09

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

THAT recommendations TC01/09 to TC28/09, Additional Item 2, and Additional Items 4 to 10, as detailed in the minutes of the Traffic Committee meeting held on Monday 2 March 2009 be adopted, it being noted that Clr J Mauger was in attendance at the meeting on 2 March 2009.

PASSED

GENERAL BUSINESS

1. INTERNATIONAL WOMENS CRICKET MATCH AT BRADMAN OVAL ON THURSDAY 12 MARCH 2009 6527/3

The Acting General Manager advised that Bradman Foundation had extended an invitation to all Councillors to attend the cricket match between New Zealand and South Africa on Thursday, 12 March 2009, with a very informal light lunch available at 1.30 pm.

Clr J G Arkwright requested that her apology be given to Bradman Foundation for the Women's Cricket Game on Thursday 12 March 2009.

2. LIGHTING IN COLES CAR PARK, BOWRAL 7470/1

Clr G McLaughlin referred to problems with Coles Carpark in Bowral in relation to the lighting of the carpark and asked who is responsible for the lighting and can it be addressed by Council?

The Director Technical Services advised that the matter will be investigated as ownership of the carpark is divided between Council and Coles.

3. ROUNABOUT AT TAYLOR AVENUE AND OLD HUME HIGHWAY, BERRIMA
RD1420, RD1427, RD3374, 7451

Clr G McLaughlin complimented Council and the Director Technical Services on the construction of the roundabout at Taylor Avenue, Berrima. However, Clr McLaughlin stated that Berrima Road, particularly in the vicinity of the Resource Recovery Centre and Lytton Road, was in a very bad condition and enquired when these sections of the road would be upgraded and/or repaired.

4. REVIEW OF COUNCIL'S COMMITTEE STRUCTURE 107, 800/1.1

Clr J R Clark asked when the review of Council's Committee structure was to be undertaken (which he understood was to be in April), and what processes will be undertaken to conduct the review of the Committees? Clr Clark asked if suggestions can be made by Councillors and should those suggestions be addressed to the General Manager and Acting General Manager?

The Acting General Manager advised that this is a matter for Council to give some direction about how it wishes to proceed. The Committee structure presently in place came from a review by an external Consultant and discussions by Councillors at the time, and any future review will be at Councillors discretion as to how they wish it to be handled.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 March 2009

GENERAL BUSINESS

5. USE BY CARAVANS OF COUNCIL'S PARKS AND RESERVES 6500

Clr J R Clark asked if Council has a policy regarding overnight stays in caravans within Council's parks and reserves and what conditions are required to be met before caravans can use parks and reserves overnight? Clr Clark asked if this matter could be addressed through the Weekly Circular.

6. EQUESTRIAN CENTRE, ROBERTSON LUA06/1142

Clr L Whipper asked if the Director Environment & Planning could bring a report back to Council on the equestrian centre known as "Wallaby Hill Farm", and particularly if the report could give a history on the development approvals and the use of the facility, including traffic use and impact on the roads and local environment by vehicles using the facility?

The Director Environment & Planning advised that if investigations revealed there are things happening with the development that have not been approved, then the matter should be brought back to Council through the Legal Committee.

7. SUPERANNUATION 821/2

Clr L A C Whipper asked if the Acting General Manager could comment on the potential impact on Council's budget due to the fact that Council will not be receiving a "Superannuation Holiday" this year.

The Acting General Manager advised that he cannot give a definitive answer at this meeting about what the dollar effect will be but Council has heard unofficially at this stage what the new formula will be. Based on the unofficial advice, it is very significant, but there will be more information on this matter next Wednesday, 18 March 2009.

8. PAVED AREAS IN TOWN CENTRES 7810/5.3

Clr P B Tuddenham asked when paved areas of town centres, particularly Mittagong, where there are weeds growing through the paving, would be sprayed and asked if Council has a spraying program for paved areas in the Shire? Clr Tuddenham noted that the paving in each town is tremendous but it is being detracted from by the weeds.

9. DESIGNATED PARKING AREAS FOR CARAVANS 6500, 7415

Clr P B Tuddenham asked if some designated parking areas could be set aside for caravans, identified and signposted accordingly. He particularly made reference to the Mittagong town centre.

Clr T D Gair suggested that this matter should be referred to the Traffic Committee.

10. CHALLENGE SOUTHERN HIGHLANDS

1855/28

Clr K Halstead asked if appropriate action can be taken to ensure that Challenge Southern Highlands is made aware of where Council stands on the provision of a site for disabled persons, noting that Council had previously set aside land in Sheaffe Street, Bowral, which was allocated for appropriate reclassification.

Clr T D Gair advised that he, together with Councillors McLaughlin and Clark, had undertaken an inspection of the land at Sheaffe Street, Bowral, on Monday, 8 December 2008 with a view to using the land for housing for disabled persons. Clr Gair noted the advice of Council's Social Planner that the area may not be suitable for this type of housing and he had relayed this information to the LEP Steering Committee, and that there was also a feeling from many Councillors at that time that no public land should be used for any other purpose than what it was designated for. Clr Gair indicated that if Council wishes to re-visit the issue of housing for disabled persons, then it should be brought back to Council from the Director of Environment & Planning for re-consideration, and Challenge Southern Highlands advised accordingly.

11. URBAN WATER FILLING STATIONS

7790/14

Clr K Halstead noted Item 7 on the Weekly Circular in relation to urban water filling stations in Robertson, Bundanoon and Welby which will be installed in the 2009/2010 financial year, and asked if the installation of these filling stations could be dealt with very early in the financial year as he considered this to be an important issue.

The Director Technical Services advised that the program can be accelerated.

12. UNDERCOVER PARKING AT THE MARKETPLACE, MITTAGONG

PN1750570

Clr J G Arkwright advised that she had received a letter last week regarding a large piece of concrete that had fallen from the ceiling in the underground carpark at the Mittagong Marketplace, narrowly missing a young child. Clr Arkwright asked if this matter could be investigated in relation to the construction of this site and dealt with rigorously.

The Director Environment & Planning advised that Council was aware of the incident and that inspections had been carried out with representatives of Marketplace management. Council will be recommending to the owners of the Marketplace any rectification works that are required and Councillors will be kept informed via the Weekly Circular or formal report.

13. RESERVES AT BERRIMA

6526/15.1, 7124

Clr D Stranger asked if there had been an up-date on the reserve at Berrima from the Department of Lands.

The Director Technical Services advised that no response has been received at this time.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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GENERAL BUSINESS

14. REMEMBRANCE DRIVE, BERRIMA

7810/3

Clr D Stranger asked who is responsible for the remembrance driveway at Berrima as fencing is in disrepair and the area is generally overgrown?

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

15. COST OF LOCAL GOVERNMENT ELECTIONS

105, 1400/1

Clr J Mauger had heard on ABC Radio on the morning of the meeting that seventeen (17) Councils within NSW are refusing to pay the cost of Local Government elections, and asked what cost increase did Council incur with the election being run under the auspices of the NSW Electoral Commission? Clr Mauger also noted the requirement for a comprehensive company audit of electoral contributions, not only of the Councillors who were elected, but also those candidates who were not successful at the elections.

Clr T D Gair advised that Clr Mauger was quite correct and that the applications forms required by the State Government were "over the top" but perhaps it was done for the purpose of making it difficult for Councillors to run.

The Acting General Manager advised that in relation to the cost to Council, that there will be information in the Weekly Circular about the costs that Council has incurred. He also understands that the Premier has announced a review of the process of Local Government elections and the costs, as a result of lobbying by the Local Government & Shires Association.

16. CONTRIBUTION TO COUNCIL OF \$750,000

2152/6, 2151/3

The Mayor Clr T D Gair advised that he has written to The Hon Anthony Albanese, MP, the Minister for Infrastructure, Transport, Regional Development and Local Government, thanking the Government for the \$750,000, but that the funds have not yet been received. With the expectation that these funds are to be expended by September 2009, Council has requested that the funds be forwarded as soon as possible.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 March 2009

CORPORATE SERVICES DIVISION

| | | |
|--------------|-----------------------|-------|
| c-CS1 | Closed Council | 100/1 |
|--------------|-----------------------|-------|

To consider moving into Closed Council.

It was noted that Council agreed not to consider the Closed Council item c-CS1, the reason being that there was no further information at this time and that the matter was subsequently withdrawn.

ADOPTION OF OPEN COUNCIL

107/10

MN 78/09

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

THAT the recommendations of the Open Council held on Wednesday, 11 March 2009 being OC 16/09 to OC 25/09, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 11 March 2009

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.38 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 11 March numbered M/N 68/09 to M/N 78/09, were signed by me hereunder at the Council Meeting held on Wednesday, 25 March 2009.

CHAIRMAN

READ AND CONFIRMED THIS 25th DAY OF MARCH, 2009

CHAIRMAN

PUBLIC OFFICER



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 March 2009
