

# MINUTES

## OF THE ORDINARY MEETING OF COUNCIL

*File No. 100/08*



held on Wednesday, 28 January 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, 28 January 2009

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**COMMENCING AT:** 3.30 pm

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

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

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### PRAYER

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100/1

The meeting was opened in prayer led by Reverend Richard Mills of the Mittagong Anglican Church.

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### APOLOGY

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PERS

***M/N 01/09***

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

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

***PASSED***

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**CONFIRMATION OF MINUTES**

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 17  
DECEMBER 2008

100/1

***MN 02/09***

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

***THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 17  
December 2008 MN 468/08 to MN474/08 inclusive, copies of which were forwarded to  
Councillors, be adopted as a correct record of the proceedings of the meeting.***

***PASSED***

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**BUSINESS ARISING**

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Nil

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### DECLARATIONS OF INTEREST

101/3

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Clr G McLaughlin declared a non-pecuniary interest in Item o-EP4 Amalgamation of 34 Lots and Creation of 12 Lot Subdivision Inclusive of Road Realignment at Oldbury and Countess Streets, Berrima, as the owner of the land at Berrima ran on his ticket at the last Council election. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.

Clr K Halstead noted that he had previously declared a non-pecuniary interest in Item v-EP2 Amalgamation of 34 Lots and Creation of 12 Lot Subdivision Inclusive of Road Realignment at Oldbury and Countess Streets, Berrima, as his daughter-in-law works for the Applicant, Allman Johnston. However, he stated that he did not believe that there was a pecuniary interest and therefore would not be declaring an interest on this occasion.

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### MAYORAL MINUTE

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#### MAYORAL MINUTE

##### AUSTRALIA DAY 2009

The Mayor acknowledged the success of Australia Day for 2009 and thanked the staff for their efforts in arranging the event, particularly the Ceremony at the Berrima Court House.

#### c-MM1 Australia Day Honours 2009

REF.	MAYOR	1607, 1607/1, 1671/2 (cc 102/5)
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Recognising three Wingecarribee residents (and one former resident) who received honours on Australia Day 2009.

The Mayor Clr T D Gair congratulated the recipients of the Australia Day honours. He particularly noted the years of service of Gordon Lewis as a Councillor with the Wingecarribee Shire Council which spanned a period of 34 years and Gordon's involvement with many sporting associations.

**MN 03/09**

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

**THAT** Council congratulate Gordon Lewis, Jane Lemann, Catherine Vanzella and Dorothy Missingham on receiving their well deserved Australia Day honours.

**PASSED**

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#### OPEN COUNCIL

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**MN 04/09**

107/10

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

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

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### SUSPENSION OF STANDING ORDERS

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#### **SUSPENSION OF STANDING ORDERS**

Clr L A C Whipper requested that, as the first item on the Agenda – Item v-EP1 Development Contributions - was lengthy and would require consideration by Councillors, standing orders be suspended to allow Visitor Items - Items v-EP2 Proposed 10 Cluster Houses, Wembley Road, Moss Vale and v-EP3 Outdoor eating area – ‘Pancakes on the Plaza’, 14 Wingecarribee Street, Bowral - to be heard at this juncture of the meeting as the visitors for these items were present in the gallery.

**OC 01/09**

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

**THAT standing orders be suspended to allow Visitor Items - Items v-EP2 Proposed 10 Cluster Houses, Wembley Road, Moss Vale and v-EP3 Outdoor eating area – ‘Pancakes on the Plaza’, 14 Wingecarribee Street, Bowral - to be considered.**

**PASSED**

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**VISITOR ITEM**

**ENVIRONMENT & PLANNING DIVISION**

**Environmental Sustainability**

**v-EP2 Proposed 10 cluster houses, Wembley Road, Moss Vale**

REF: DCM

LUA08/0144

Reporting on the application for ten (10) Cluster Houses at lot 7 DP 800183 Wembley Road, Moss Vale.

The applicant for this development is a member of staff. Applicant and objectors have been invited to address Council.

**OC 02/09**

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

**THAT LUA08/0144 for 10 cluster houses at Lot 7 DP 800183 Wembley Road, Moss Vale, be deferred for consideration until the next Council Meeting to be held on Wednesday 11 February 2009.**

**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 and Clr L A C Whipper

**Voting Against the Motion:** Nil



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### REPORT OF DIRECTOR ENVIRONMENT & PLANNING

## Environment and Sustainability

### v-EP3 Outdoor eating area – ‘Pancakes on the Plaza’, 14 Wingecarribee St, Bowral

REF: DCM

LUA08/0967

Reporting on proposed outdoor eating area for Shop 5, Corbett Plaza – ‘Pancakes on the Plaza’, 14 Wingecarribee Street, Bowral. The proposal is to establish an outdoor eating area to seat 24 people, located within Corbett Plaza. The applicant has been invited to address Council.

Mr David Miller, the owner of ‘Pancakes on the Plaza’, addressed Council on the matter.

Mr Les Pawlak, Council’s Development Control Manager, addressed Council on the matter.

### OC 03/09

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

1. THAT the application be refused for the following reasons:
  - i) the proposed street furniture will adversely affect the amenity of the Corbett Plaza by clashing with established street furniture and approved furniture in adjoining businesses;
  - ii) the proposed chairs do not comply with design requirements for outdoor street furniture as stipulated within Council’s Development Control Plan No 50 – ‘*Outdoor Eating Areas and Other Community Uses of Community Land.*’
2. THAT DCP 50 be amended by the inclusion of specific colours, namely dark royal blue, cream, gold maroon or natural wood, to be used for outdoor furniture.



v-EP3 Outdoor eating area - 'Pancakes on the Plaza', 14 Wingecarribee St, Bowral (cont)

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

1. **THAT** the applicant be granted approval for outdoor eating area for Shop 5 Corbett Plaza, 14 Wingecarribee Street, Bowral, with the red chairs.
2. **THAT** DCP 50 be amended following receipt of a report from the Director of Planning **AND THAT** DCP 50 be attached to all applications for outdoor eating areas.

**PASSED**

**VOTING ON THE AMENDMENT**

**Voting for the Amendment:** Clr T D Gair, Clr J G Arkwright, Clr K Halstead,  
Clr G McLaughlin, Clr D Stranger and Clr J Mauger

**Voting Against the Amendment:** Clr J R Clark and Clr L A C Whipper

**AMENDMENT BECAME THE MOTION**

**MOTION PASSED**

**VOTING ON THE MOTION:**

**Voting for the Motion:** Clr T D Gair, Clr J G Arkwright, Clr K Halstead,  
Clr G McLaughlin, Clr D Stranger and Clr J Mauger

**Voting Against the Motion:** Clr J R Clark and Clr L A C Whipper

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## Lifestyle and Community

v-EP1	Development Contributions Plans
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REF:	MSP	5701
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The purpose of this report is to provide Council with an update and further information in respect to the State Governments changes to the Section 94 Developer Contributions provisions within the Environmental Planning and Assessment Act and Regulations. The report will be presented by Council's Section 94 Planner.

Council's S94 Planner, David Matthews presented the report and addressed Council on this matter.

### OC 04/09

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

1. **THAT Council notes that a review of all Council's Section 94 Contributions Plans is being undertaken and that they will be remade in accordance with the Environmental Planning and Assessment Act 2008.**
2. **THAT a Section 94A (Indirect) Contributions Plan be drafted for the purposes of raising funds for works within Commercial and Industrial areas of the Wingecarribee LGA and that the draft be reported to Council.**
3. **THAT a Draft Development Contributions Assessment Policy be drafted and reported to Council.**
4. **THAT the following Section 94 (Direct) Contributions Plans be drafted and reported to Council as follows:**
  - a) **Local Roads Direct Community Infrastructure Contributions Plan;**
  - b) **Local Parks, Sporting and Recreational Facilities Direct Community Infrastructure Contributions Plan;**
  - c) **Cultural, Social Facilities & Volunteer Emergency Services Direct Community Infrastructure Contributions Plan;**
  - d) **Local Car Parking Facilities Direct Community Infrastructure Contributions Plan; and**
5. **THAT the following Section 64 (Local Government Act 1995) Development Servicing Plans be drafted and reported to Council as follows:**
  - a) **Drainage and Stormwater Development Servicing Plan**
6. **THAT a report be brought before Council discussing other methods of funding for the Animal Shelter, Resource Recovery Centre and Family Day Care Section 94 Contributions Plan including the merits of applying for 'additional contributions plans'.**

v-EP1 Development Contributions Plans (cont)

7. ***THAT all Draft Contributions Plans be sent to Council's legal representatives to ensure compliance with Part 5B of Act prior to being reported to Council and placed on public exhibition.***
8. ***THAT Council approve the funding required in Table 2 of the Report which outlines the resources to carry out the project – as follows:***

<b>Resource</b>	<b>Proposed Use</b>	<b>Purchase Price/Cost of Use</b>	<b>Source of Funding</b>
<b>Notebook PC</b>	<b>To be used by Project Leader for all Section 94 related work.</b>	<b>Approximately \$1,100.00 with swap over of current desktop. Approx \$2,500 without.</b>	<b>Development Contributions Administration Fund.</b>
<b>Overhead Projectors</b>	<b>Will be required in Group Meetings and Presentations</b>	<b>NIL – use existing Council Projectors</b>	<b>NIL</b>
<b>Meeting Rooms</b>	<b>Will be required for Group Meetings and Presentations</b>	<b>NIL - use existing Council Facilities</b>	<b>NIL</b>
<b>Council Vehicle</b>	<b>For use in visiting sites for projects to be included in works programs and travelling to Public Presentations if not held at Council HQ in Moss Vale.</b>	<b>Fuel costs – Vehicle provided as part of Contributions Planner's salary package</b>	<b>Part of Salary Package</b>
<b>Internet</b>	<b>To be used for notification of Public Meeting and Exhibition of Plans</b>	<b>NIL – existing Council Resource in operation for these purposes</b>	<b>NIL</b>
<b>MS Project</b>	<b>Software for managing projects</b>	<b>\$511.13</b>	<b>Paid for from Development Contributions Administration Fund</b>

v-EP1 Development Contributions Plans (cont)

<b>Google</b>	<b>Other possible web base information for displaying Council's facilities.</b>	<b>NIL – Google provides for free listings.</b>	<b>NIL</b>
<b>Southern Highlands News</b>	<b>Local Newspaper – For notifying the public that they can comment on the contributions plans during exhibition periods</b>	<b>No Additional Cost if placed in Council's Wednesday Public Notices information page.</b>	<b>NIL</b>
<b>Infrastructure – Contract Senior Design Engineer for 12-months</b>	<b>To replace current Senior Design Engineer position for 12-months whilst they work on the Development Contributions Plans works programs.</b>	<b>Approximately \$110,000</b>	<b>General Revenue (Can be recouped through Contributions Plans)</b>
<b>Infrastructure – Quantity Surveyor</b>	<b>To be contracted form time to time to provide cost estimates for projects</b>	<b>Approximately \$40,000</b>	<b>General Revenue (Can be recouped through Contributions Plans)</b>
<b>Infrastructure – Engage Consultancy for Stormwater</b>	<b>Engagement of a Consultancy to review Stormwater studies, flood studies and produce a whole of shire catchment management strategy containing design and costing of projects</b>	<b>Approximately \$100,000</b>	<b>Stormwater Levy – available from 1 July 2009</b>
<b>Infrastructure – Recreation Plans of Management</b>	<b>Engage consultants to complete Plans of Management for Councils Open Space lands</b>	<b>Approximately \$100,000</b>	<b>Ongoing funding from current Open Space and Recreation Development Contributions Plan Account.</b>

v-EP1 Development Contributions Plans (cont)

<b>Consultants – Financial Reporting</b>	<b>Required to set up Finance One and Proclaim with the ability to produce a Contributions Register in accordance with the Environmental Planning and Assessment Act and Regulations</b>	<b>Approximately \$30,000</b>	<b>General Revenue – Noting this amount may not be necessary (Can be recouped through Contributions Plans)</b>
<b>Consultants – Review Open Space, Recreation, Community, Cultural Needs</b>	<b>Consultants required to update 2004 Open Space, recreation, Cultural and community needs Study and Strategy. Update necessary to ensure relevance of the document as is will be the background document supporting Contributions Plans for these facilities and services.</b>	<b>Approximately \$30,000</b>	<b>General Revenue (Can be recouped through Contributions Plans)</b>

**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 and Clr L A C Whipper*

**Voting Against the Motion:** *Clr J Mauger*

**CHAIRPERSON**

At this juncture, the time being 5.00 pm, The Mayor Clr T D Gair resumed the Chair to conduct the remainder of Council Business.



**OPEN COUNCIL**

**ENVIRONMENT & PLANNING DIVISION**

**Governance and Accountability**

**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 1/12/08 and 19/1/09.

**MN 05/09**

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

**THAT** the information relating to Development Consent Nos 1-16 under Delegated Authority be received and noted.

**PASSED**

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**o-EP2 List Of Land Use Applications Received By Council**

REF: DCM 5302

Submitting list of development applications which have been received between 1/12/08 and 19/1/09, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

**MN 06/09**

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

**THAT** the information regarding the List of Land Use Applications Nos 1-22 received by Council be received and noted.

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### REPORT OF DIRECTOR ENVIRONMENT & PLANNING

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#### **Matters Arising from Development Applications Received by Council**

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

Clr J R Clark referred to Item 6 on page 36 and asked if it was Council's intention to demolish the existing toilets before the construction of the new ones.

The Director Technical Services advised that the existing toilets will be kept operational.

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2. 2 STOREY DETACHED DWELLING & UTILITY SHED & DEMOLITION OF EXISTING SINGLE STOREY DWELLING LUA08/1225

Clr L A C Whipper referred to Item 3 on page 35 and asked if the Director Environment & Planning could provide more information in the Weekly Circular in relation to this application.

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3. CONVERT EXISTING SHOP & RESIDENCE TO DOCTOR'S SURGERY LUA08/1210

Clr L A C Whipper referred to Item 9 on page 36 and asked if the Director Environment & Planning could provide more information in the Weekly Circular in relation to this application.

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4. 5 LOT SUBDIVISION (ADJACENT TO PONY CLUB RESERVE) LUA08/1286

Clr J G Arkwright referred to Item 19 on page 37 noting that there are objections raised by residents and asked if the matter could be brought to the full Council for consideration and not be approved under delegated authority.

**MN 07/09**

**MOTION** moved by Clr J G Arkwright and seconded by Clr G McLaughlin:

**THAT** LUA08/1286 – 5 Lot Subdivision (adjacent to Pony Club reserve) - be referred to a future Ordinary Meeting of Council for determination.

**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 and Clr L A C Whipper***

**Voting Against the Motion:**



## Governance and Accountability

<b>o-EP3</b>	<b>Land Use Applications Determined</b>
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REF:	DCM	5302
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Submitting list of Land Use applications determined by way of approval under delegated authority of the Director of Environment & Planning for the month of December 2008.

***MN 08/09***

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

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

***PASSED***

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## Environment and Sustainability

o-EP4	Amalgamation of 34 Lots & Creation of 12 Lot Subdivision Inclusive of Road Realignment at Oldbury and Countess Streets, Berrima – ‘The Rectory’
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REF:	DCM
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LUA08/0598
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Reporting on a proposal for the amalgamation of 34 existing lots to create a 12 lot subdivision inclusive of road realignment at Lots 1-14 Section 28 DP 758098 Countess Street and Lots 1-18 Section 27 DP 758098 Oldbury Street, Berrima.

**Interest:** Clr G McLaughlin declared a non-pecuniary interest in this matter as the owner of the land at Berrima ran on his ticket at the last Council election. He left the chamber, took no part in the debate and refrained from voting thereon.

Mr Les Pawlak, Council’s Development Control Manager, addressed the Council on the matter.

**MN 09/09**

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

1. **THAT** Council authorise the Director of Environment and Planning to issue a refusal notice for the following reasons:
  - (a) The proposed subdivision does not comply with the minimum standard of 1 hectare in accordance with Clause 50 (2) of the WLEP89;
  - (b) The proposed subdivision does not comply with the draft LEP2007 proposed RU4 Smallholdings zone minimum lot size of 1 hectare;
  - (c) The proposed development represents an unacceptable visual impact upon both the natural and built environment within the locality of the historic Berrima township;
  - (d) The SEPP 1 Objection accompanying the application is considered not to be well founded.
2. **THAT** the Director of Environment & Planning and the Manager of Development Control meet with the applicant to discuss a viable proposal for the land.
3. **THAT** the Applicant then be invited to lodge a further application under s82A of the EPA Act with a reduced number of allotments, which respects the visual, built and historic values of the land.

**PASSED**

<b>VOTING ON THE MOTION:</b>	
<b>Voting for the Motion:</b>	<i>Clr T D Gair, Clr K Halstead, Clr J G Arkwright, Clr J R Clark, Clr G McLaughlin, Clr D Stranger and Clr L A C Whipper</i>
<b>Voting Against the Motion:</b>	<i>Clr J Mauger</i>



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### REPORT OF DIRECTOR ENVIRONMENT & PLANNING

#### Environment and Sustainability

#### **o-EP5 Proposed Multiple Occupancy Lot 3 DP579061, Murrimba Road, Wingello**

REF: DCM

LUA07/1180

Reporting on Section 82A request for Review of Refusal for Multiply Occupancy – staged development pursuant to Section 83B of the Environmental Planning & Assessment Act 1979, for 3 additional multiple occupancy dwellings – Lot 3 DP579061 Murrimba Road, Wingello.

Clr McLaughlin rejoined the Chamber at this juncture.

The Director Environment & Planning addressed Council on the matter.

**MN 10/09**

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

1. **THAT** *LUA07/1180 for 3 additional multiple occupancy dwellings at Lot 3 DP579061 Murrimba Road, Wingello be approved subject to appropriate conditions of consent to the satisfaction of the Director Environment and Planning.*
2. **THAT** *those people that made submissions be advised of Council's decision.*

**PASSED**

#### **VOTING ON THE MOTION:**

***Voting for the Motion:***

***Clr T D Gair, Clr K Halstead, Clr J G Arkwright,  
Clr G McLaughlin, Clr J Mauger, Clr D Stranger and  
Clr L A C Whipper***

***Voting Against the Motion:***

***Clr J R Clark***



## Environmental Sustainability

**o-EP6      Amendment to Development Control Plan (DCP) No. 52 - Development Planning and Subdivision Guidelines for Bundanoon.**

REF:          SPM

5700/52

The purpose of this report is to inform Council of the outcome of the exhibition period for the amendment to Development Control Plan (DCP) No. 52 - Development Planning and Subdivision Guidelines for Bundanoon.

**MN 11/09**

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

1. **THAT Council adopt the proposed amendments to Development Control Plan No. 52 – ‘Development Planning and Subdivision Guidelines for Bundanoon’ in accordance with Attachment 1.**
2. **THAT the proposed amendments to DCP 52 take effect from 1 October 2009.**
3. **THAT the following notation be placed on the front cover of DCP 52 - ‘DCP 52 shall be amended by removing the struck through provisions when the Bundanoon Sewerage Treatment Plant augmentation works have been completed’.**
4. **THAT Council notify its resolution when augmentation works have been completed through a newspaper circulating locally in accordance with the Environmental Planning & Assessment Regulations 2000.**

**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 and Clr L A C Whipper**

**Voting Against the Motion:**

**Nil**



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### REPORT OF DIRECTOR ENVIRONMENT & PLANNING

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#### Lifestyle and Community

o-EP7	Request for Council representation on SH Community Transport Inc Management Committee
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REF:	SPM, AOE
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File 7320/2
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Reporting on request for Council representation on the Management Committee of Southern Highlands Community Transport Inc.

***MN 12/09***

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

***THAT Council nominates Cllr Graham McLaughlin as delegate to the Southern Highlands Community Transport Inc. Management Committee.***

***PASSED***

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## Lifestyle and Community

<b>o-EP8</b>	<b>Wingecarribee Prize for Prints and Works on Paper</b>
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REF:	SPM	1660/4, 1650/14
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Reporting on proposed change to the entry conditions of the Wingecarribee Prize for Prints and Works on Paper.

**MN 13/09**

**MOTION** moved by Clr J R Clark and seconded by Clr D Stranger:

**THAT Council endorse a variation to entry conditions for the Wingecarribee Prize for Prints and Works on Paper to provide for open entry, with the current requirement for entrants to be Shire residents or members of the Berrima and District Art Society removed from competition rules AND THAT the matter be reviewed as to its success in twelve (12) months time.**

**PASSED**

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**CORPORATE SERVICES DIVISION**  
**Governance and Accountability**

<b>o-CS1</b>	<b>Investments as at 31 December 2008</b>
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REF:	FSM	2104
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Submitting details of Council's Investments as at 31 December 2008.

***MN 14/09***

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

***THAT the information on Council's Investments as at 31 December 2008 be received and noted.***

***PASSED***

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**ATTACHMENT 1**

<b>SUMMARY OF INVESTMENTS HELD AS AT 31 December 2008</b>			
<b>Bank</b>	<b>Arranger</b>	<b>Value</b>	<b>Total</b>
<b><u>Floating Rate Notes</u></b>			
Adelaide Bank FR Sub Debt		3,500,000.00	
Bank of Qld Sub Debt		7,000,000.00	
Elders Rural Bank Sub Debt		500,000.00	
Elders Rural Bank Sub Debt		1,000,000.00	
Elders Rural Bank Sub Debt		500,000.00	
HSBC FRN		6,500,000.00	
Macquarie Bank Sub Debt		500,000.00	
Royal Bank Scotland		2,000,000.00	
Elders Rural Bank		1,000,000.00	
Westpac		500,000.00	
St George		1,000,000.00	
<b><u>Property Note</u></b>			
Lehman		560,000.00	
<b><u>Floating Rate &amp; Property Notes</u></b>		24,560,000.00	
<b><u>CDO's</u></b>			
Aphex Glenelg (AA-)	Nomura International Plc	2,250,000.00	
Corsair Kakadu (AA)	JP Morgan Aust Ltd	1,500,000.00	
Corsair Torquay (BBB-)	JP Morgan Aust Ltd	2,500,000.00	
Helium Esperance (BBB+)	Merrill Lynch Int	2,000,000.00	
Helium Scarborough (BBB+)	Merrill Lynch Int	2,700,000.00	
Magnolia Flinders (AA)	Credit Suisse	5,100,000.00	
Omega Henley (AA-)	BNP Paribas	2,000,000.00	
Starts Blue Gum (BBB+)	HSBC Bank	1,050,000.00	
Cypress Tree Lawson (A-)	Calyon	1,000,000.00	
MAS6-7 Parkes (BBB-)	Morgan Stanley	2,000,000.00	
Bishopgate Wentworth (AA-)	Calyon	500,000.00	
Zircon Coolangatta (AA)	Lehman Bros	2,000,000.00	
Saphir Endeavour (AAA)	Lehman Bros	140,000.00	
Beryl (AA)	Lehman Bros	4,000,000.00	
Zircon Merimbula (AA)	Lehman Bros	500,000.00	
<b><u>Total CDO's</u></b>		29,240,000.00	
<b><u>Total Securities</u></b>			53,800,000.00
<b><u>Bank Accepted Commercial Bills</u></b>			
NAB		3,000,000.00	3,000,000.00
Macquarie Cash Management Trust		618,145.13	618,145.13
<b><u>Short Term</u></b>			
NAB		4,500,000.00	4,500,000.00
			61,918,145.13



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 January 2009

### REPORT OF DIRECTOR CORPORATE SERVICES

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<b>o-CS2</b>	<b>Easement for Drainage – 44 Wattle Street, Colo Vale</b>
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REF.	PO
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PN 427200
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Request for the Common Seal of the Council to be affixed to the Transfer Granting Easement over 44 Wattle Street, Colo Vale.

***MN 15/09***

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

***THAT*** the Common Seal of the Council be affixed to the Transfer Granting Easement for 44 Wattle Street, Colo Vale, to enable the Easement to be registered at the Department of Lands.

***PASSED***

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<b>o-CS3</b>	<b>Pecuniary Interest Returns as at 24 December 2008</b>
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REF:	DCS
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101/3
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Tabling Register of Pecuniary Interest Declarations as at 24 December 2008.

***MN 16/09***

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

***THAT*** the information be received and noted.

***PASSED***

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 January 2009

### REPORT OF DIRECTOR CORPORATE SERVICES

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<b>o-CS4</b>	<b>Lease to Telstra Corporation of Part Berrima Reservoir</b>
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REF:	PO
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PN1707171
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Submitting a report requesting that the Lease, previously negotiated and approved by Council, with Telstra Corporation for the use of Part Lot 1 DP 735013 being part Berrima Reservoir, Old Hume Highway, Berrima to be executed under the Common Seal of Council.

The Director Corporate Services addressed the Council on the matter.

**MN 17/09**

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

**THAT the Lease Agreement between Council and Telstra Corporation for Part Lot 1 DP 735013, part Berrima Reservoir, Old Hume Highway, Berrima be executed under the Common Seal of Council.**

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 January 2009

### REPORT OF DIRECTOR CORPORATE SERVICES

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<b>o-CS5</b>	<b>Committee Appointment Wingello Mechanics Institute Hall Management Committee</b>
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REF:	AOL
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7223/1
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Reporting on the Appointment of the Wingello Mechanics Institute Hall Management Committee

**MN 18/09**

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

**THAT** Ann Anderson, David Bruggeman, Carol Degrassi, Sylvia Jeffery, Clarence (Jack) Jeffery, Ian Sheldrick, Evie Williamson and Thelma Robertson be appointed to the Wingello Mechanics Institute Hall Management Committee **AND THAT** Ann Anderson, David Bruggeman, Carol Degrassi, Sylvia Jeffery, Clarence (Jack) Jeffery, Ian Sheldrick, Evie Williamson and Thelma Robertson be notified of Council's determination.

**PASSED**

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<b>o-CS6</b>	<b>Leave of Absence – Cllr Paul Tuddenham</b>
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REF:	MAS
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PERS
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Reporting on request from Cllr Paul Tuddenham for leave of absence from Council.

**MN 19/09**

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

**THAT** Councillor Paul Tuddenham be granted leave of absence from Council from Tuesday 20 January to Tuesday 17 March 2009.

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 January 2009

### REPORT OF DIRECTOR CORPORATE SERVICES

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o-CS7	<b>Council Investments – Proposal from (PPB) Administrator – Lehman Brothers Australia Ltd</b>
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REF:	DCS
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2104, 107/9
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Reporting on status of discussions with (PPB) Administrator – Lehman Brothers Australia Ltd.

The Director Corporate Services addressed the Council on the matter.

**MN 20/09**

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

1. **THAT** Council confirm a Sub-Committee consisting of the Mayor, Chair of Finance and Internal Audit Committee and the General Manager to deal with urgent matters relating to Council's claims against Lehman Brothers Australia Limited.
2. **THAT** meetings of the aforementioned Sub-Committee be minuted and promptly reported to Council.
3. **THAT** the Sub-Committee be authorised to incur expenditure of up to \$10,000 on particular actions **AND THAT** any matters expected to exceed \$10,000 be referred to Council for consideration with an Extraordinary Council Meeting to be convened when necessary.
4. **THAT** Council lodge an Amended Proof of debt with the Administrator (PPB) as soon as possible.
5. **THAT** if the Administrator (PPB) rejects the Amended Proof, or admits them for less than full value, that appropriate action be taken.
6. **THAT** if Council is not permitted to vote for the full value of its litigated claim, **AND FURTHER** if a Deed of Company Arrangement (DOCA) is accepted, **THAT** Council take appropriate action.

**PASSED**

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**QUESTIONS FROM THE PUBLIC**

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

Mrs Pam Cooper on behalf of Exeter Park Management Committee referred to Item 6 on page 36 of the Agenda and advised that in July a large pine tree fell and destroyed the Telstra unit. This tree was one of three that were recommended two years ago to be removed due to their age and the possibility/probability of falling on Exeter Hall, the CWA Rooms and also the proposed new amenities block.

Mrs Cooper asked whether it would be prudent and cost effective for Council to have these three trees removed as soon as possible to avoid what could amount to monumental costs.

The Mayor Clr T D Gair advised that the matter will be taken on notice and Mrs Cooper will be advised in due course.

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2. EXETER PARK, EXETER 6536/1, 7813/1

Mrs Pam Cooper on behalf of the Exeter Park Management Committee ('the Committee') advised that about 3 to 4 weeks ago a large oak tree on Exeter Park's eastern boundary was struck by lightning and damaged. The Committee consulted an arborist who was of the opinion that the tree was beginning to decay in the centre. The Committee is concerned about the possibility that the tree could drop limbs and is therefore a hazard. Mrs Cooper asked if Council could fence off the area as soon as possible as it is a matter of public safety.

The Mayor Clr T D Gair advised that the tree will be inspected by Council's staff and Mrs Cooper will be advised of the decision.

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3. ANGUS YOUTH WEEK 2155/1, 1695/4

Mr Ian Scandrett asked if Councillors are aware of an annual event called 'Youth Roundup' and asked if Council would be prepared to consider providing financial support or otherwise for the event in January 2010, as applications close for the event on 7 February 2009.

The Mayor Clr T D Gair advised Mr Scandrett that he should contact the Mayor following the meeting to discuss the matter.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 January 2009

### REPORT OF DIRECTOR CORPORATE SERVICES

#### CORPORATE SERVICES DIVISION (CONT)

##### **o-CS8 Community Representatives for Appointment**

REF: MAS, AOE

107/34

Reporting on nominations for community representatives for the Finance and Internal Audit Committee.

**Interest:** Clr L A C Whipper declared a non pecuniary interest in this matter one of the candidates stood as No 2 on his ticket at the last Council elections. He stated he will remain in the Chamber, discuss the matter and vote on the matter.

**Interest:** Clr J Mauger declared a non pecuniary interest in this matter as one of the candidates (Mr Ian Scandrett) stood on his ticket at the last Council elections. He stated that he will remain in the Chamber, discuss the matter and vote on the matter.

It was noted that Janet Edwards was appointed to the Finance & Internal Audit Committee at the Ordinary Meeting of Council held on 17 December 2008.

**MN 21/09**

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

1. **THAT** the following community members be appointed to the Finance and Internal Audit Committee:

1. Mr Noel B Crellin, OAM, FCA

2. Mr Lyle Briggs

3. **THAT** Council meets to discuss the merits of reviewing membership on the Finance & Internal Audit Committee at some future time.

**PASSED**



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 January 2009

### REPORT OF DIRECTOR CORPORATE SERVICES

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<b>o-CS9 Tulip Time 2008 Festival Outcome</b>
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REF: TM
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1671/8
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The purpose of this report is to report on Tulip Time 2008.

The Director Corporate Services addressed the Council on the matter.

**MN 22/09**

**MOTION** moved by Clr G McLaughlin and seconded by Clr K Halstead:

1. **THAT** a presentation of the donation to the Black Dog Institute from funds of \$6,457 raised at the Tulip Time Gala Dinner by Mittagong RSL be conducted.
2. **THAT** a presentation be made to both Lions and Rotary Clubs from raffle funds raised during Tulip Time of \$2,076 and which are to be divided equally between the Clubs be conducted.
3. **THAT** Council roll over any surplus monies into reserve to be available in future years.
2. **THAT** Council confirm the theme chosen for Tulip Time 2009 Festival be supporting a National Children's Charity, our local focus will be raising funds for the new children's ward at Bowral & District Public Hospital.
3. **THAT** WSC Parks and Property staff have been advised of the theme being "rainbow" and will design the garden beds accordingly.
4. **THAT** a media release be prepared by the Executive Tourism Manager detailing event success.

**PASSED**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 January 2009

**REPORT OF DIRECTOR TECHNICAL SERVICES**

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**TECHNICAL SERVICES DIVISION**

**Environment & Sustainability**

<b>o-TS1</b>	<b>Urban Filling Stations</b>
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REF:	WSM, RMC, FSM	7790/14
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To adopt a new policy "Use of Urban Filling Stations" and extinguish the existing policy "Issue and Use of Metered Standpipes".

***MN 23/09***

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

- THAT Issue and Use of Metered Standpipes policy be extinguished on 1 April 2009.***
- THAT Use of Urban Filling Stations policy be adopted effective 1 March 2009.***
- THAT the proposed application fee of \$50+GST be placed on public exhibition for a period of 28 days and be included in the 2008/09 fees and charges effective from 1 March 2009.***
- THAT Council explore possible funding opportunities through the SCA and other agencies to possibly install additional Urban Filling Stations.***

***PASSED***

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**Governance and Accountability**

<b>o-TS2</b>	<b>Old South Road Embankment – Additional Work</b>
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REF:	RTM	6330/08.6, RD3189, RD1587
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Providing Council with a report as a result of the additional work carried out on the Old South Road embankment.

**MN 24/09**

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

1. **THAT the additional costs of \$170,000 associated with reconstructing the embankment of Old South Road be funded from Section 94 Roads Sub-Plan one.**
2. **THAT Council staff undertake regular inspections in the vicinity of Old South Road and Range Road after significant rain events to observe any potential for future ground movement.**
3. **THAT the establishment of a basic soils laboratory and training of staff to undertake basic compaction testing be investigated.**
4. **THAT the mapping of unstable ground conditions as a layer on Council's Geographic Information System be investigated.**
5. **THAT Council's quality procedures be enhanced to include detailed risk assessments for geotechnical hazards on all major projects.**

**PASSED**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 January 2009  
**REPORT OF THE GENERAL MANAGER**

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**COUNCIL MATTERS**

**GENERAL MANAGER'S REPORTS**

**c-GM1 General Manager's Quarterly Report**

REF.	GM	506/1
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Submitting the General Manager's Quarterly Report to 30 September 2008.

***MN 25/09***

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

***THAT the information in respect of the General Manager's Quarterly Report to 30 September 2008 be received and noted.***

***PASSED***

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<b>c-GM2</b>	<b>2009 Local Government Association Conference - Tamworth</b>
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REF: GM
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204/2009
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Reporting on the 2009 Local Government Association Conference to be held in Tamworth from 24-28 October 2009.

**MN 26/09**

**MOTION** moved by Cllr L A C Whipper and seconded by Cllr J Mauger:

1. **THAT Council be represented at the 2009 Local Government Conference in Tamworth and confirm number of attendees.**
2. **THAT Council determine its attendance at the 2009 Local Government Conference in Tamworth as follows and their respective voting status:**

**Mayor of the Day**  
**Cllr J G Arkwright**  
**Cllr D Stranger**

**Voting delegate**  
**Voting delegate**  
**Voting delegate**

**General Manager or his nominee**    **Observer**

3. **THAT Councillor Mauger be the alternate delegate should one of the Voting delegates be unable to attend the Conference.**
4. **THAT a maximum of three (3) Councillors being the Mayor of the Day and two (2) Councillors and the General Manager (as an observer) attend future NSW Local Government Association Conferences and AND THAT the Mayor of the Day and one (1) other Councillor and the General Manager (as an observer) attend future National General Assemblies.**

**PASSED**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 January 2009  
**REPORT OF THE GENERAL MANAGER**

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<b>c-GM3</b>	<b>Weekly Circulares</b>
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REF: GM
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100/8, 203/2009
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Confirming receipt of weekly circulars from the Local Government Association and Council weekly circulars.

***MN 27/09***

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

***THAT*** the information relating to Local Government Weekly Circulares Nos 01/09 and 02/09 and Council Weekly Circulares Nos 01/09 and 02/09 be noted.

***PASSED***

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#### COMMITTEE REPORTS TABLED

<b>c-CR1</b>	<b>Management and Advisory Committee Reports</b>
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REF:	DCS	107/1
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Submitting minutes of four (4) Committee meetings that will be tabled for information.

***MN 28/09***

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

***THAT the information contained in the Committee Report be noted.***

***PASSED***

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#### COMMITTEE REPORTS ATTACHED

<b>c-CR2</b>	<b>Finance &amp; Internal Audit Committee</b>
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REF:	DCS	107/22
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Submitting minutes of the Finance & Internal Committee meeting held on Wednesday, 17 December 2008.

***MN 29/09***

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

***THAT recommendations FIA13/08 TO FIA14/08 as detailed in the minutes of the Finance & Internal Audit Committee meeting held on Wednesday 17 December 2008 be adopted.***

***PASSED***

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 January 2009  
**COMMITTEE REPORTS**

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<b>c-CR3</b>	<b>Access Working Group</b>
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REF:	DCS	1828/3
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Submitting minutes of the Access Working Group meeting held on Monday, 15 December 2008.

**MN 30/09**

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

**THAT recommendations as detailed in the minutes of the Access Working Group meeting held on Monday 15 December 2008 be adopted.**

**PASSED**

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<b>c-CR4</b>	<b>Minutes of the Moss Vale Livestock Selling Centre Strategic Advisory Board</b>
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REF:	PPM	7170/01
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Submitting minutes of the Moss Vale Livestock Selling Centre Strategic Advisory Board held 12 December 2008.

**MN 31/09**

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

**THAT the recommendations as detailed in the minutes of the Moss Vale Livestock Selling Centre Strategic Advisory Board held 12 December 2008 be adopted.**

**PASSED**

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**GENERAL BUSINESS**

1. FEES FOR INSPECTIONS OF RAIN WATER TANKS 5200/10

Clr J Mauger advised that he had been approached by Mr Brian Cryer and asked how many DA's have been received for the installation of rain water tanks up to 10,000 litres, how many inspections have taken place and is the refund from the NSW Government dependant on documentation from Council that these inspections have taken place?

The Director Environment & Planning advised that the matter will be taken on notice.

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2. ROBERTSON BOWLING CLUB, ILLAWARRA HIGHWAY, ROBERTSON  
5700/33, 7415/4

Clr J Mauger stated that he is in receipt of a copy of a letter from the Robertson Bowling Club ('the Club') requesting Council's consideration of the erection of a directional sign by the Club on the Illawarra Highway and asked if the matter could be dealt with as soon as possible due to the impact of the current financial conditions.

Clr T D Gair advised that the matter could go to the next Traffic Committee Meeting. However, he advised that Council had previously approached the RTA on behalf of the Robertson Bowling Club. Clr Gair advised that it was his understanding that the RTA's position is that they will not allow directional signs unless it is to a designated tourist attraction from a Highway to a business, unless it is to a designated tourist attraction.

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3. PLAN OF MANAGEMENT FOR BERRIMA RESERVE AND RECREATION GROUND  
6526/15.1

Clr D Stranger advised that he, Clr G McLaughlin and Clr J Clark, had attended a meeting on Tuesday 27 January 2008 at Berrima about the Berrima Reserve and Recreation Grounds and asked what is the status of the Plan of Management and the reclassification of the site by the Department of Lands, and asked if there was a timeframe for the matter to be finalised?

The Manager of Administration Services advised that the Plan of Management is with the Department of Lands and that Council is now waiting on the Department to review the Plan and to get it back to Council when it will then go back on exhibition and submissions will be sought from the community as part of that exhibition. The Plan will then go back to the Department of Lands to be signed off, and then it will come back to Council for its approval. The Manager of Administration Services advised that he had spoken to several people (who probably attended the meeting on 27 January 2009) and advised them of Council's position with the Plan of Management. He also noted that the position in relation to the Plan of Management had been included in several Weekly Circulars informing Councillors of the status of the Berrima Reserve. The Manager of Administration Services advised that he had recommended that the residents should approach the local member, Ms Pru Goward, MP, to see what influence she could have with the Department of Lands.

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4. BERRIMA OVAL

6526

Clr D Stranger asked what is the status of the Berrima Oval and is it suitable for recreation and camping?

The Director Technical Services advised that Council had undertaken some research on this land and although it is not conclusive, the land is definitely Crown Land and it is under the management of the Berrima Sportsground Trust and that he needs to find out how the Trust operates and how the land is managed.

The General Manager advised, on the information that had come to him, that as people cannot now use Council's side of the river they are going to the other side and discharging effluent and grey water contrary to Council's regulations. He stated that Council will liaise with the relevant people to investigate how the land can best be managed, in particular in relation to camping and for the land to be properly maintained.

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5. ILLAWARRA DISABILITY TRUST – CARER'S RELIEF ACCOMMODATION,  
PARMENTER COURT, BOWRAL LUA07/1004

Clr J G Arkwright referred to the Illawarra Disability Trust property at Parmenter Court, Bowral which she had raised in General Business at the Council Meeting on 17 December 2008, and asked if a report was coming before Council in relation to the matter.

The Director Environment & Planning confirmed his previous advice that the Illawarra Disability Trust is willing to undertake a site visit with interested Councillors.

The Mayor Clr T D Gair asked the Director Environment & Planning to respond to this matter in the Weekly Circular.

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6. ROBERTSON BOWLING CLUB, ILLAWARRA HIGHWAY, ROBERTSON

5700/33, 7415/4

Clr K Halstead stated, in relation to the proposed signage by the Robertson Bowling Club, that if the RTA does not agree for the construction of a sign on the Illawarra Highway, a sign could be erected 300 mm inside the side street as that then would be within Council's jurisdiction. This could solve the problem of the positioning of the sign.

The General Manager advised that instead of the matter being referred to the Traffic Committee, Council should proceed with approval for the construction of the sign as suggested by Clr Halstead.

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7. RAIN WATER TANK REBATES

5200/10.1

Clr K Halstead referred to question 1 raised by Clr J Mauger and questioned why were fees collected from Mr Cryer when Council's website indicates clearly that D/A's are required for rain water tanks however application fees are not required.

The Mayor Clr T D Gair advised it was his recollection that this matter had been raised by the Local Member and that the tank was connected to town water, and that was the reason for the requirement for a D/A and Council's staff had dealt with the matter correctly. Clr Gair requested that the Director Environment & Planning investigate the matter further.

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8. LOTS 92, 112, 113 AND 114, DP 24267, SHEAFFE STREET AND PRICE STREET  
(APEX PARK) BOWRAL PN1198100, PN1314800, PN1315000

Clr K Halstead requested that the former Councillor, Nick Campbell-Jones be advised that this property is no longer required for community housing and is the reason for Council's decision.

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9. DEVELOPMENT AT STATION STREET, BOWRAL

LUA06/0348

Clr K Halstead asked if the General Manager was in receipt of a letter from the former Councillor, Nick Campbell-Jones drawing attention to the Onisferou development at Station Street, Bowral, and asked if the matter was being dealt with.

The Director Environment & Planning advised that he had responded to that letter.

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10. GREEN WASTE

7503/21

Clr L A C Whipper referred to a request that he made at the Council Meeting in 2008 for a report to be brought before Council for the provision of a green waste service and asked when this report would be available.

The General Manager advised that a trial was presently being undertaken by the Resource Recovery Centre for an enhanced level of waste service and an enhanced level of advertising. When the trial is evaluated as to its success or otherwise, the matter will be reported back to Council so that Council can make a decision about what expenditure Council should make in relation to dealing with green waste.

The General Manager further advised that he was not sure of the timeframe for completion and evaluation of the trial that was presently being undertaken, but when completed the Manager of the Resource Recovery Centre, Miles Lockhead, would prepare a report to Council and this would probably be in March 2009.

Clr L A C Whipper asked if something could be brought forward in the Weekly Circular about when the report would be coming before Council.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 January 2009

### GENERAL BUSINESS

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#### 11. BOWRAL SWIMMING POOL

6700/5.1

Clr L A C Whipper referred to a request that he made at the Council Meeting in 2008 for a report to be brought before Council for the covering of the Bowral Swimming Pool and the costs associated therewith, and asked when this report would be available.

The Director Technical Services responded that the next important step for the pools is for a condition assessment to be prepared and that Council has engaged Geoff Nannes Fong & Partner Pty Ltd to assess the condition of the pools. Once the assessment report is received, which should be by April/May 2009, Council will be in a better position to investigate the feasibility of covering the pool.

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#### 12. DEVELOPMENT AT SUTTON FOREST

LUA07/1118

Clr L A C Whipper advised that he had received requests from a number of objectors in Sutton Forest who asked if they could have a meeting with Councillors before the report comes to the next Council meeting, noting that it is a tight timeframe. The objectors feel that they have information that would be valuable particularly to the new Councillors and another perspective in relation to their interpretation of the compliance with the DCP. Clr Whipper asked if it was possible to get the support of Council to look at providing the objectors with the opportunity of meeting with Councillors to discuss this issue.

The General Manager suggested that a meeting could be held on the afternoon of Wednesday 4 February 2009.

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#### 13. BERRIMA RESERVE AND RECREATION GROUND

6526/15

Clr L A C Whipper noted that this matter had been raised by Clr Stranger, but noted that it was an ongoing matter. He advised that a bus load of people with a disability recently visited the reserve and could not get access to the disabled toilet as a log had been placed across the accessway. These facilities, with a disabled toilet, are advertised in various publications. Clr Whipper asked if the log could be moved to provide access to the toilet particularly for disabled people in wheelchairs.

The General Manager advised that the log would be moved to allow wheelchair access.

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14. CONSTRUCTION OF FOOTPATH IN ERITH STREET, BUNDANOON

6690/14

Clr J R Clark has received questions from residents of Erith Street, Bundanoon, regarding the requirement for them to contribute large amounts towards payment for the construction of a new pathway and kerb and guttering fronting their residences. Some residents have been quoted a cost of \$4,000.00 and as pensioners will have difficulty paying this amount. Clr Clark asked what the standard arrangement is for funding footpaths and kerb and guttering and can residents make arrangements for hardship reasons if required to make the contributions.

The Director Technical Services advised that Council has a policy relating to this and that a report will be brought to the next Council meeting for review.

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15. LEASE OF OLD COUNCIL DEPOT AT BUNDANOON

7106, PN279500

Clr J R Clark referred to this matter which had previously been deferred by Council and asked when a report will come forward to Council to consider the lease. The Mens Shed Group require formalisation of the lease in order that they can lodge a development application and seek grant funding.

The General Manager advised that the matter was being dealt with by Council's Property Officer who is currently on leave and that arrangements have been negotiated with various groups.

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16. BERRIMA RESERVE AND RECREATION GROUND

6526/15

Clr G McLaughlin asked if a "dump station" for black/grey water could be provided by Council for the use by recreational vehicles/mobile homes. Clr McLaughlin noted that many other Councils provide this facility and asked if Council could investigate the matter.

Clr L A C Whipper advised that this matter is listed on the agenda for consideration at the next Environment and Sustainability Committee Meeting. There is a dump point scheme with a subsidy available, co-sponsored and funded by the Camping Association of Australia, and that the report will be brought to Council.

The General Manager noted that if such a dump point is available then Council will have the situation where people come to the area to dump their black/grey water and then stay within the Shire and spend money. The General Manager advised that he has requested a meeting with Council's Water and Sewer Manager, to come up with one (1) or two (2) places that would be suitable for dump points, although it will come at a cost to Council which the water and sewer scheme will have to pay.

Clr L A C Whipper asked if Council's Water and Sewer Manager could attend the next Environment and Sustainability Committee Meeting.

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17. DEVELOPMENT APPLICATION FEES

5201/3

Clr G McLaughlin referred to the facilitation of rebuilding houses after they have burnt to the ground. He noted that he had received a request from a ratepayer whose house had burnt down and that although the house was fully insured, the insurance did not cover the full development application fees. The people are in a situation of some hardship, apart from the loss of their home, the disruption of their family and the renting of other premises, and that they now have to provide a report for the bushfire rating which is an additional expense. Clr McLaughlin asked if there is some way that Council could reduce or eliminate these fees.

The General Manager advised that a report will be prepared quantifying the costs, noting however that if the costs are not paid by the ratepayers, then Council has to meet those costs.

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18. BERRIMA RESERVE AND RECREATION GROUND AND BERRIMA SCOUT HALL

6526/15

Clr G McLaughlin advised that one point which arose at the meeting held in Berrima on 27 January 2009 was that the Berrima Reserve and the Berrima Scout Hall are not covered in the LEP.

The General Manager advised that the Scout Hall is included in the LEP and the use is being addressed.

The Director Environment & Planning advised that in relation to the LEP, Council has received a letter from the Director General advising that the matter is being prioritised and that Council should be in a position to re-exhibit the LEP by the end of February 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, 28 January 2009

**OPEN COUNCIL**

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**CORPORATE SERVICES DIVISION**

<b>c-CS1</b>	<b>Closed Council</b>
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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.

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**ADOPTION OF OPEN COUNCIL**

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107/10

**MN 32/09**

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

**THAT the recommendations of the Open Council held on Wednesday, 29 January 2008 being OC 01/09 to OC 04/09, be adopted.**

**PASSED**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 January 2009

**OPEN COUNCIL**

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THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.05 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 28 January 2009 numbered M/N 01/09 to M/N 32/09, were signed by me hereunder at the Council Meeting held on Wednesday, 11 February 2009.

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CHAIRMAN

READ AND CONFIRMED THIS 11<sup>th</sup> DAY OF FEBRUARY 2009

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
PUBLIC OFFICER