

# MINUTES

## OF THE ORDINARY MEETING OF COUNCIL

*File No. 100/08*



held on Wednesday, 8 April 2009

The meeting commenced at 3.31 pm.



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 8 April 2009

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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**COMMENCING AT:** 3.31 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 Mauger  
Cllr G McLaughlin  
Cllr D Stranger  
Cllr P B Tuddenham  
Cllr L A C Whipper

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

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### PRAYER

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100/1

The meeting was opened in prayer led by Reverend Ian Salmond of Christ Church Bowral.

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### APOLOGY

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There were no apologies at this meeting.

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**CONFIRMATION OF MINUTES**

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

100/1

***MN 107/09***

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

***THAT*** *the minutes of the Ordinary Meeting of Council held on Wednesday, 25 March 2009 MN 79/09 to MN 106/09 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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1. SUTTON FOREST INN – ALTERATIONS AND ADDITIONS LUA07/1118

The Mayor Clr T D Gair in relation to Item o-EP4 – Sutton Forest Inn – referred to recommendation 7 wherein a sub-committee of Council and the Director Environment & Planning would meet to determine the conditions of approval. The Mayor had approached Clrs K Halstead and L A C Whipper to form the sub-committee. Clr Halstead was available but Clr Whipper was not. Clr Jim Clark was invited but declined, and all other Councillors were invited to be part of the sub-committee.

The Mayor advised that he and Clr Halstead met with the Director Environment & Planning on Monday, 6 April 2009. The Mayor asked the Director Environment & Planning and Clr Halstead for their comments.

The Director Environment & Planning advised that after considering the draft conditions of consent, the amended plans submitted by the applicant which addressed all of the issues in the Council resolution and information in the Management Plan as was relevant to Council's resolutions, the final consent was completed after the meeting on Monday and is now in its final form for release.

Clr K Halstead advised that the conditions of consent had been dealt with in a very thorough manner, and took into consideration various concerns raised by Councillors, and ensured that conditions complied with all the necessary legislation and standards.

Clr L A C Whipper asked if a copy of the final conditions of consent could be circulated to Councillors.

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

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### DECLARATIONS OF INTEREST

101/3

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Clr P B Tuddenham declared a non-pecuniary/non-significant interest in this Item v-EP1 – Modification of Balcony at 77 Main Street, Mittagong - as he owns and operates his business from an office in Station Street. He stated that he will remain in the chamber, discuss the matter and vote on it.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### MAYORAL MINUTE

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#### MAYORAL MINUTE

#### c-MM1 National Good Sports Programme

REF: RSO, FSM

5401/8 (cc 102/5)

#### REPORT

Reporting on the launch last week at Council of the National Good Sports program, which is aimed at breaking the link between alcohol and the traditional operations of community sporting clubs, and in the process guides clubs to a healthier and safer future.

The Mayor, Clr T D Gair thanked the Southern Highland News for its reporting of this matter in its newspaper today.

Clr Gair stated that the program will run for approximately three (3) to four (4) years.

**MN 108/09**

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

**THAT** Wingecarribee Shire Council supports the National Good Sports program and commits to fund its contribution of approximately \$2,300 to \$2,500 a year for the life of the programme.

**PASSED**

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#### OPEN COUNCIL

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**MN 109/09**

107/10

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

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

**PASSED**

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**VISITOR ITEM**

**v-EP1 Modification of Balcony at 77 Main Street, Mittagong**

REF: DCM

LUA09/0053

Reporting on a development application lodged 'To make existing verandah safe' at Lot 2 DP 524097 No. 77 Main Street, Mittagong.

**Interest:** Clr P B Tuddenham declared a non-pecuniary/non-significant interest in this matter as he owns and operates his business from an office in Station Street. He remained in the chamber, discussed the matter and voted on it.

Mr Tim McCartney addressed Council on this matter.

Mrs Elaine Newman addressed Council and answered questions on the matter.

**OC 29/09**

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

**THAT Council pursue the full reinstatement of the first floor balcony AND THAT the owners be requested to provide plans for the restoration of the balcony.**

**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*



**v-EP2 Storage of Fireworks at Lot 5 Carribee Close, Berrima**

REF: DCM

LUA09/0050

Reporting on development application for storage of fireworks at Lot 5 DP 816975 Carribee Close, Berrima. Applicant: Illawarra FireWorks.

Mr Clive West from the Berrima Residents' Association addressed Council on this matter.

Mr Peter McGill, Senior Vice President of the Pyrotechnics Industry Association of Australia addressed Council on behalf of the applicant, Mr Khaled Maarbani.

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

1. THAT LUA09/0050 for the storage of fireworks at Lot 5 DP 816975 Carribee Close, Berrima, be approved subject to appropriate conditions of consent as set out in Attachment 4 to the report, including those of the NSW Rural Fire Service as set out in Attachment 5 to the report, to the satisfaction of the Director, Environment & Planning, and a requirement that for the duration of the use a copy of the required annual WorkCover NSW licence be provided to Council.
2. THAT Council determine that the application be deemed "Home Industry".
3. THAT the application detailed in 1 above be subject to the following legislation and standards:
  - (i) AS2187.1 (1998)
  - (ii) Explosives Act 2003
  - (iii) Explosives Regulations 2005
  - (iv) WorkCover Standard/Manual

.....Cont'd



.....Cont'd

**OC 30/09**

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

**THAT LUA09/0050 for the storage of fireworks at Lot 5 DP 816975 Carribee Close, Berrima, be deferred to the Ordinary meeting on Wednesday, 22 April 2009, to enable the Director Environment & Planning to bring back a further comprehensive report to Council which includes a definition regarding offensive or hazardous industry.**

**PASSED**

**VOTING ON THE AMENDMENT:**

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

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

**AMENDMENT BECAME THE MOTION**

**MOTION PASSED**

**VOTING ON THE MOTION:**

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

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

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**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 16/3/09 and 30/3/09.

**OC 31/09**

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

**THAT the information relating to Development Consent Nos 1-4 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 16/3/09 and 30/3/09, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

**OC 32/09**

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

**THAT the information regarding the List of Land Use Applications Nos 1-10 received by Council be received and noted.**

**PASSED**

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### REPORT OF DIRECTOR ENVIRONMENT & PLANNING

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

1. POPE FOR WYEERA PAVILION, LOT 22 DP 792646, KANGALOO ROAD,  
GLENQUARRY LUA09/0238

Clr L A C Whipper referred to Item No 5 and asked if information on this matter could be included in the Weekly Circular.

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2. SERVICE STATION AND CARWASH DEVELOPMENT, LOT 1 DP 531671,  
609 ARGLE STREET, MOSS VALE LUA09/0227

The Mayor, Clr T D Gair asked where this service station is.

The Director Environment & Planning advised that it is the old Mobil Service Station on the southern end of Argyle Street.

Clr P B Tuddenham asked for further information to be included in the Weekly Circular on this matter.

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**o-EP3 Draft DCP for Burrawang Village**

REF: SPM

5700/64

The purpose of this report is to present to Council a Draft Development Control Plan for Burrawang Village and that it be placed on Public exhibition for comment.

**OC 33/09**

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

**THAT the draft Development Control Plan for Burrawang Village attached to this report, be endorsed for the purpose of public exhibition AND THAT the required public exhibition be undertaken in accordance with the EPA Regulations AND THAT the Burrawang residents be notified thereof.**

**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***

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**o-EP4 Draft DCP for the Villages of Penrose and Wingello**

REF: SPM

5700/65

The purpose of this report is to present to Council a Draft Development Control Plan for the Villages of Penrose and Wingello and that it be placed on Public exhibition for comment.

**OC 34/09**

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

**THAT the draft Development Control Plan for the Villages of Penrose and Wingello attached to this report, be endorsed for the purpose of public exhibition AND THAT the required public exhibition be undertaken in accordance with the EPA Regulations AND THAT the Penrose and Wingello residents be notified thereof.**

**PASSED**

**VOTING ON THE MOTION:**

**Voting for the Motion:**

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

**Voting Against the Motion:**

**Nil**



**o-EP5 Draft Amendments to DCP 12 – Off-Street Car Parking, Loading Facilities and Vehicular Access**

REF: SPM

5700/12

The purpose of this report is to present to Council proposed amendments to DCP 12 regarding Off-Street Car Parking, Loading Facilities and Vehicular Access.

**OC 35/09**

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

**THAT the draft amendments to Wingecarribee Development Control Plan No. 12 be endorsed for the purpose of public exhibition AND THAT the required public exhibition be undertaken in accordance with the EPA Regulations.**

**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**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### REPORT OF DIRECTOR CORPORATE SERVICES

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#### CORPORATE SERVICES DIVISION

<b>o-CS1</b>	<b>Proposed Road Closure of Part Trig Station Lane, Kangaloon, Adjacent Lot 12 Deposited Plan 706411</b>
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REF: PO
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PN1507100; RD2810
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Reporting on an application for the closure of part of Trig Station Lane, Kangaloon, adjacent to Lot 12 Deposited Plan 706411

#### **OC 36/09**

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

1. **THAT Council raises no objection to the proposed closure and sale of the road reserve adjacent to Lot 12 DP706411 Trig Station Lane, Kangaloon, to the owner of that property.**
2. **THAT the purchase price for the closure of the road reserve be determined by valuation, carried out by a registered valuer, at the cost of the applicant.**
3. **THAT Council lodge an application with the Department of Lands pursuant to the Roads Act 1993 to close the public road AND THAT all costs relating to the closure and sale be met by the applicant.**
4. **THAT should the closure be successful, the allotment created be consolidated with Lot 12 DP706411 as a condition of this sale.**
5. **THAT the Transfer Form and any Deed of Agreement be executed under the Common Seal of the Council.**

**PASSED**

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### REPORT OF DIRECTOR CORPORATE SERVICES

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<b>o-CS2</b>	<b>Easement To Drain Water – Lot 22 Being Part Of Unformed Ivy Street, Bowral</b>
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REF:	PO
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PN937102, RD1564 1493/1
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Reporting on a request from Lean & Hayward Pty Limited, Surveyors, on behalf of Department of Lands (Goulburn) seeking Council's concurrence with the terms of the Easement to Drain Water over Lot 22 Part Ivy Street, Bowral.

#### **OC 37/09**

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

**THAT the General Manager be delegated authority to execute the Section 88B Instrument prepared by Lean & Hayward Pty Limited with respect to the easement to drain water over Lot 22 part unformed Ivy Street, Bowral.**

**PASSED**

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<b>o-CS3</b>	<b>Application For Closure of Unformed Public Road – Part Charlotte and Florence Streets, Bundanoon</b>
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REF:	PO
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PN1704120, 7810/13
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Reporting on an application by Mr Philip Walmsley for the closure of the unformed parts of Charlotte and Florence Streets, Bundanoon which adjoin his property.

#### **OC 38/09**

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

**THAT Council advise the applicant that its supports the closure of the unformed sections of Charlotte and Florence Streets, Bundanoon being Lot 1 DP 714440.**

**PASSED**

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<b>o-CS4      Committee Appointments and Resignations</b>
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REF:      MAS
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7219/1
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Reporting on Management Committee Appointments and Resignations.

***MN 39/09***

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

1. **THAT Council appoints Mr Allen Mauger to the Robertson Community Centre Management Committee and that Mr Mauger be notified of Council's determination.**
2. **THAT the Robertson Community Centre Management Committee be notified of Council's determination.**

**PASSED**

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**o-CS5 Proposed Changes to Generic Management Committee Constitutions**

REF: DCS

107/1

Reporting on proposed changes to Council's generic Management Committee Constitution. Council's generic constitution has been reviewed to reflect changes to the Local Government Act, Council's Code of Conduct (adopted on 23 February 2005 and amended 9 July 2008), Council's Privacy Management Plan (adopted 10 December 2008) and changes to the 355 Volunteer Manual (February 2007).

**OC 40/09**

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

1. **THAT Council adopts the amendments to the generic form of the 355 Management Committee Constitutions, as follows:**
  - (i) **Section 3.1 items (d) & (e) updating**  
**A function of council may, subject to this Chapter, be exercised Amended to include Voluntary Regional Organisations of Councils.**
  - (ii) **Section 3.3.1 Committee Membership**  
**Council has developed a recommended membership for each committee to consider in its review of its individual constitution.**
  - (iii) **Section 3.3.7 Nomination to a Committee**  
**Revised to reflect the procedures set out in Council's 355 Volunteer Committee Manual 2007, "that each prospective nominee must complete a Nomination for Appointment to a Committee" rather than just supplying their name and address.**
  - (iv) **Section 3.3.13 Duties of the Executive**  
**Included under the duties of Secretary, Treasurer and Booking Officer an item for compliance with Council's Privacy Management Plan "to store all committee information & records appropriately to ensure the protection and privacy of personal information".**
  - (v) **3.4 Disclosure of Interest**  
**Chapter Fourteen Sections 451, 453, 454, 455, 456 of the Local Government Act amended in line with Council's Code of Conduct.**
  - (vi) **Section 7.7.1 Duties of the Committee**  
**Additional Clause for Committee Members to adhere to Council's Code of Conduct and Privacy Management Plan.**
2. **THAT each 355 Management Committee be forwarded a copy of the updated generic constitution and be requested to undertake a review of its objectives, membership and quorum.**

**PASSED**

**TECHNICAL SERVICES DIVISION**

**o-TS1 Draft Determination Review of Prices for Sydney Catchment Authority**

REF: WSM

7730/2, 7799

IPART have released their draft determination for setting of the bulk water price paid by Wingecarribee Shire Council (pricing of water services for Sydney Catchment Authority).

The Director Technical Services distributed a copy of a draft submission to Councillors at the meeting and addressed Council on this matter.

**OC 41/09**

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

1. **THAT Council lodge a submission to IPART regarding prices for Sydney Catchment Authority prior to the deadline of 10 April in response to the draft determination.**
2. **THAT Council strengthen the submission by highlighting the support given in relation to pricing by the Sydney Catchment Authority.**
3. **THAT a copy of the submission be forwarded to The Hon Phillip Costa, MP, Minister for Water, requesting a reply from him.**

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 8 April 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.

#### **OC 42/09**

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

**THAT the information relating to Local Government Weekly Circulars Nos 11/09 and 12/09 and Council Weekly Circulars Nos 11/09 and 12/09 be noted.**

#### **PASSED**

#### **Matters Arising from Weekly Circulars**

1. **BERRIMA SPORTS OVAL** 6526

Clr D Stranger acknowledged the detailed response in Item No 6 in Weekly Circular 13/09 on this matter. Clr Stranger referred to management of the Oval by a Trust, noting that it has little or no resources for management of the area. He asked what is involved with the charter of the Trust and should it be raising money to look after the oval and could financial assistance be given.

The Director Technical Services advised that Council will write to the Trust requesting some information about the Trust and he will report back to Council when a reply is received.

2. **BIG W CAR PARK** LUA04/1134, PN1750570

Clr J G Arkwright referred to Item No 7 in Weekly Circular 13/09 and asked if Council's Consulting Engineer (A & R Engineering) had inspected the site?

The Director Environment & Planning replied that the inspection had taken place and that work was scheduled to commence immediately.

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**MATTER OF URGENCY**

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3. ROAD SAFETY IMPROVEMENTS – STATUS UPDATE, RANGE ROAD,  
MITTAGONG AND MOUNT BROUGHTON ROAD, MOSS VALE  
RD3189, RD3385

Clr K Halstead requested that Item No 6 in Weekly Circular 12/09 – Road Safety Improvements, Range Road, Mittagong and Mount Broughton Road, Moss Vale, be treated as a matter of urgency.

**OC 43/09**

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

**THAT Item No 6 in Weekly Circular 12/09 - Road Safety Improvements, Range Road, Mittagong, and Mt Broughton Road, Moss Vale, be considered as a matter of urgency.**

**PASSED**

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The Chairman, Clr P B Tuddenham ruled that this is a matter of urgency.

**OC 44/09**

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

1. **THAT the pavement on Range Road, Mittagong be resealed through the curve west of Webb Street and including the Webb Street junction as an interim safety measure.**
2. **THAT authority be granted to the Director Technical Services to conduct an inspection and carry out resealing, if required, to improve the safety of the pavement of Mt Broughton Road.**

**PASSED**

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**REPORT OF THE GENERAL MANAGER**

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**c-GM2 2009 National General Assembly – Canberra – 21-24 June 2009**

REF: GM

203/1.1

Reporting on the 2009 National General Assembly to be held from 21 to 24 June 2009 in Canberra.

**OC 45/09**

The Committee on a **MOTION** moved by Clr K Halstead and seconded by Clr G McLaughlin  
**RECOMMENDED:**

**THAT attendance at the 2009 Local Government National General Assembly to be held in Canberra from Sunday 21 to Wednesday 24 June 2009 be as follows:**

*Mayor Duncan Gair (or nominated delegate)  
Councillor J G Arkwright  
General Manager (or nominee)*

**PASSED**

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**CHAIRPERSON**

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At this juncture, the time being 5.29 pm, the Mayor, Clr T D Gair, resumed the Chair to conduct the remainder of Council Business.

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**QUESTIONS FROM THE PUBLIC**

1. FITZROY IRON WORKS ARCHAEOLOGICAL SITE AT MITTAGONG AND RELICS  
AT THE ADJOINING ALDI SITE LUA08/0532, 5652

Mrs Leah Day asked:

- (i) As a result of the historical precedent set within the establishment of the Fitzroy Iron Works archaeological site at Mittagong and the relics now found on the adjoining Aldi site, would the Mayor, on behalf of Council, write to Aldi and seek further information and dialogue on the archaeological relics that have been found and its proposed investigation of the site.
- (ii) Would Council consider the involvement of Tim McCartney and herself as local historians, in conjunction with Council. in the archaeological investigations?

The Mayor, Clr T D Gair advised that Council would write a letter to Aldi and then arrange for a meeting to take place.

Clr Gair believed this matter should be dealt with as a matter of urgency and asked if a Councillor would move that as a matter of urgency a letter be written to Aldi.

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**MATTER OF URGENCY**

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2. FITZROY IRON WORKS ARCHAEOLOGICAL SITE AT MITTAGONG AND RELICS  
AT THE ADJOINING ALDI SITE LUA08/0532, 5652

The Mayor, Clr T D Gair requested that the matter of the Fitzroy Iron Works Archaeological Site at Mittagong and relics at the adjoining Aldi site, be treated as a matter of urgency.

***MN 110/09***

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

***THAT the Fitzroy Iron Works Archaeological Site at Mittagong and relics at the adjoining Aldi site be considered as a matter of urgency.***

***PASSED***

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The Mayor ruled that this is a matter of urgency.

.....Cont'd

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 8 April 2009

### NOTICE OF MOTION

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.....Cont'd

**MN 111/09**

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

**THAT** as a matter of urgency Council contact Aldi by telephone and by letter by Thursday, 16 April 2009 to seek a meeting with them to discuss the issues of the discovery of historical artefacts of the Fitzroy Iron Works and to resolve any issues in relation thereto **AND THAT** a report be brought back to the next meeting of Council on Wednesday, 22 April 2009 for further consideration.

**PASSED**

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3. FITZROY IRON WORKS ARCHAEOLOGICAL SITE AT MITTAGONG AND RELICS AT THE ADJOINING ALDI SITE LUA08/0532, 5652

In relation to the second part of Mrs Day's question, the Mayor Clr T D Gair advised that Council would wait until after a response has been received from Aldi before making a decision and unless Council wanted to deal with the matter at this meeting, it should be dealt with at a later time. Clr Gair advised that as Mrs Day had run on his ticket at the last election, he would excuse himself from any future voting.

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Mr Peter Smyth requested Council to consider questions that he would raise on behalf of Mea Thompson

The Mayor, Clr T D Gair advised that he would in this instance allow Mr Smyth to ask the questions raised by Mrs Thompson but that he would only allow it on this occasion and that in future people should be present in the chamber to ask questions.

4. 1:100 YEAR FLOOD AND S149 CERTIFICATES 8100, 5300/9

Mr Peter Smyth, on behalf of Mrs Thompson, asked:

What is Council's definition of 1:100 year flood risk and does Council have any liability insurance cover in the event of a situation where it has issued S149 Certificates stating an area is not flood prone and the said property floods.

The Mayor, Clr T D Gair advised that the matter would be taken on notice.

Clr K Halstead advised that Council does not incur any liability where it gives information or advice furnished with respect to flooding if given in good faith under S733 of the Local Government Act.

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5. ICAC LETTER

1420/5

Mr Peter Smyth, on behalf of Mrs Thompson, asked:

Was the letter from the ICAC referred to in the media release from Council last week marked "Confidential".

The Mayor Clr T D Gair advised that as the information initially came to Council from the ICAC, Council sought clearance from the ICAC prior to issuing the press release.

The General Manager advised that the ICAC had not technically cleared the press release, as it was Council's media release. The ICAC had been forwarded a copy but they had made no comment on it.

Clr T D Gair advised that the part of the ICAC letter that was in the media release was put to the ICAC and asked as part of its response to the media release "Did they want to make comment?" and they made no comment.

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6. LETTER FROM THE ICAC

1420/5

Mr Peter Smyth, on behalf of Mrs Thompson, asked:

What was the date on the letter and who initiated and authorised the media release?

The Mayor Clr T D Gair advised that he was unsure of the date of the letter and the authorisation for the media release came from the General Manager and that he, Clr Gair had vetted the media release.

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7. INLAND PORT

1600/18, 5602/11

Mr Peter Smyth asked the following questions directed to the General Manager:

- (i) As a result of the downturn in the motor industry and that many cars that are being landed in Port Kembla are now being trucked back to Glebe, is Council going to put more effort into what appears a “very dead horse” or do we have iron clad commitments that the inland port will proceed within the motor industry.
- (ii) When will this be?
- (iii) What is the nature of these commitments?

The General Manager queried where Mr Smyth had got this information from as there had been no commitments given about the inland port. He advised that Industry had been invited to set up whatever they feel appropriate in this area given the zoning allowances for Council’s enterprise zone and that there was initially a lot of interest from the car industry but that has dried up as has all interest in the enterprise zone for the immediate future, and the story is similar throughout Australia. He further advised that Council is pursuing funds through the Federal and State Governments to get the enterprise zone “business ready”.

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8. INLAND PORT

1600/18, 5602/11

Mr Peter Smyth asked if Council should re-examine the Inland Port.

The General Manager responded that Council has re-affirmed that it wants the area to be the nominated area for development and that the State Government has endorsed that area and parts of the Braemar area as employment zones, so Council would come under pressure from the State Government if it changed its mind now as the land is designated in the Canberra/Sydney corridor and the various government departments are very supportive as far as their meagre dollars allow.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 8 April 2009

### NOTICE OF MOTION

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#### 9. COUNCIL'S DRAFT LEP

5900/3

Mr Peter Cunningham asked that, given that the Wingecarribee Council LEP will affect all Councils in New South Wales (because it is the first to use the new template) and the LEP is of such a critical issue that will have permanent and major effects on this shire and that by virtue of a short term in office, that most councillors cannot be adequately informed and conversant with such a complex document, addressed the following questions to Clr G McLaughlin and others:

- (i) Is Clr McLaughlin sufficiently informed and therefore comfortable with making an informed decision on the current draft LEP, knowing it is a most important issue and one that will permanently affect the future of this shire, and furthermore, all other Councils and Shires in this State?
- (ii) Would Clr McLaughlin enjoy being provided by Council staff, a legally accurate condensed review of the LEP and its tangible ramifications, and that such a document be in a form that non-experts on Council and ratepayers can assess and digest?
- (iii) Would Clr McLaughlin prefer more time to assess and digest the information, and thus be in a better position to make an informed decision?

The Mayor Clr T D Gair advised that the second part of the question would be put on notice and would be dealt with in the Weekly Circular so that all Councillors can make comment if they wish.

Clr G McLaughlin acknowledged that he was a new councillor and that his predecessor would have no problems in dealing with the LEP issues. However, he stated that he would make every attempt to understand the issues relating to the complex nature of the LEP and would rely on support and guidance from previous and current Councillors and staff to make a decision on 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, 8 April 2009

### NOTICE OF MOTION

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#### 10. RATES INCREASE

2106

Mr Ian Scandrett asked if the questions are minuted in the normal manner.

The Mayor Clr T D Gair advised that the questions that are being asked are recorded on tape.

Mr Scandrett noted that people will have heard the State Government's statement of last Friday that it will allow rate increases up to the cap and asked:

(i) Could the Mayor confirm what this is?

The Mayor Clr T D Gair responded that the cap was 3.5% for 2009/2010.

(ii) Could the Mayor explain what approval Council has for a special rate increase and for how long?

Clr T D Gair advised that it is for the next three (3) years and it was granted last year on a continual basis and for 9.5% per annum.

(iii) Could the Mayor confirm what a property paying \$1,000 before this special increase will be paying in each of the years of the increase?

Clr T D Gair advised that without going into the calculation exactly, it would be approximately \$1,250.

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#### 11. MT BROUGHTON ROAD

RD3385

Mr Ian Scandrett asked if the traffic committee in the past ever "post haste" effected a situation where temporary warning signage was needed and is Council aware that it has "take care – slippery road" fishtailing signs on Moss Vale Road at Moss Vale and on Old Bowral Road at the Gib? He asked if he personally erected some signage would Council take action against him.

The Director Technical Services advised that the issue of warning signage on roads is regulated by the Roads & Traffic Authority ("RTA"). Signage regarding a known defect in a road or a worksite is Council's jurisdiction and these may be the matters that Mr Scandrett is referring to, eg, the roadworks on Mawson Terrace – that was a roadwork and therefore signage was erected by Council. The signage on Mt Broughton Road is regulated by the RTA and that will be discussed at the Traffic Committee Meeting on 20 April 2009.

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#### 12. ACCOMMODATION STUDY/ACCOMMODATION WITHIN THE SHIRE

1930/3

Clr J G Arkwright advised that she wished to respond to questions directed to her by Mr Peter Smyth at the Council meeting on Wednesday, 25 March 2009. She had received very detailed information in relation to both the matters (which she read out) and advised that she was happy to put the information in writing so that Mr Smyth would have it for his records.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
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### NOTICE OF MOTION

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#### OTHER MATTERS

#### NOTICE OF MOTION

<b>c-NM1</b>	<b>03/2009 – Notice of Motion – Federal Government Extension of First Home Buyers Scheme</b>
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REF:	MAS, EDO
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1415, 100/4, 107/24
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Clr David Stranger has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 8 April 2009:

*“THAT Wingecarribee Shire Council write the Prime Minister of Australia, Mr Kevin Rudd, requesting the Federal Government extend the first home bonus scheme that is due to end on June 30 2009.”*

**MN 112/09**

**MOTION** moved by Clr D Stranger and seconded by Clr P B Tuddenham:

**THAT Wingecarribee Shire Council make representations to the Prime Minister of Australia, The Hon Mr Kevin Rudd, MP, requesting that the Federal Government extend the first home bonus scheme that is due to end on 30 June 2009 beyond that date.**

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 8 April 2009

### NOTICE OF MOTION

**c-NM2      04/2009 – Notice of Motion – Correspondence to Minister for Planning, the Department of Planning and the Department of Sport**

REF:      SPM, MAS

5606, 1460/10, 100/4

Clr Jim Clark has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 8 April 2009:

1. *THAT Wingecarribee Shire Council write to the Minister for Planning, the Department of Planning and the Department of Sport:*
  - a. *Reaffirming its objection to the proposed Southern Highlands Regional Shooting Complex at the site in Hill Top and the approval issued on 25 February 2009.*
  - b. *Advising that Council is not prepared to agree for the use of ratepayers funds for the proposed Southern Highlands Regional Shooting Complex to cater largely for the needs of shooters from outside the Wingecarribee Local Government Area.*
  - c. *Advising that any funding agreement with the State Government for upgrading and maintenance of access routes should be completed prior to commencement of “works” not “prior to commencement of use” as required by the approval.*
  - d. *Requesting urgent discussions on the implementation of road safety improvements in accordance with the consent documents and independent studies, including the requirement to seal the dirt section of Wattle Ridge Road.*
  - e. *Requesting all traffic studies and road safety audits of access routes to the Southern Highlands Regional Shooting Complex, including access from the Hume Highway to Colo Vale and along Wilson Drive, including comprehensive studies of maintenance requirements and schedules, for the life of the Complex, be carried out prior to commencement of any works and in consultation with Council.*
2. *Request that the Minister for Planning require the Department of Sport to receive input from Council into the conditions of approval relating to the Ecological Management Plan (B2), Operational and Environmental Management Plan (D2), Construction Plan (B1) and the Soil and Water Contamination Management Plan (B3), prior to approval by DECC and/or DOP prior to commencement of “works”.*
3. *Request the Department of Planning to include as conditions of consent:*
  - a. *Council representation on the Management Committee of the Southern Highlands Regional Shooting Complex*
  - b. *That Council and the public be given at least one months exhibition period for submission in relation to any applications for modification of any conditions of the Southern Highlands Regional Shooting Complex approval and/or Firearms Licence applications for the Complex, prior to their determination.*

**MN 113/09**

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

1. **THAT** Wingecarribee Shire Council make representations to the Minister for Planning, The Hon Kristina Keneally, MP, the Department of Planning and the Department of Sport:
  - (a) **Reaffirming its objection to the proposed Southern Highlands Regional Shooting Complex at the site in Hill Top and the approval issued on 25 February 2009.**
  - (b) **Advising that Council is not prepared to agree for the use of ratepayers funds for the proposed Southern Highlands Regional Shooting Complex to cater largely for the needs of shooters from outside the Wingecarribee Local Government Area.**
  - (c) **Advising that any funding agreement with the State Government for upgrading and maintenance of access routes should be completed prior to commencement of “works” not “prior to commencement of use” as required by the approval.**
  - (d) **Requesting urgent discussions on the implementation of road safety improvements in accordance with the consent documents and independent studies, including the requirement to seal the dirt section of Wattle Ridge Road.**
  - (e) **Requesting all traffic studies and road safety audits of access routes to the Southern Highlands Regional Shooting Complex, including access from the Hume Highway to Colo Vale and along Wilson Drive, including comprehensive studies of maintenance requirements and schedules, for the life of the Complex, be carried out prior to commencement of any works and in consultation with Council.**
2. **Request that the Minister for Planning require the Department of Sport to receive input from Council into the conditions of approval relating to the Ecological Management Plan (B2), Operational and Environmental Management Plan (D2), Construction Plan (B1) and the Soil and Water Contamination Management Plan (B3), prior to approval by DECC and/or DOP prior to commencement of “works”.**
3. **Request the Department of Planning to include as conditions of consent:**
  - (a) **Council representation on the Management Committee of the Southern Highlands Regional Shooting Complex.**
  - (b) **That Council and the public be given at least one month’s exhibition period for submission in relation to any applications for modification of any conditions of the Southern Highlands Regional Shooting Complex approval and/or Firearms Licence applications for the Complex, prior to their determination.**

.....Cont'd



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
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### NOTICE OF MOTION

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.....Cont'd

4. ***THAT Council submit a motion to the next Local Government Association Conference seeking representations to the State Government that relevant Section 94 Contributions be paid to Council whenever the State Government approves any development under Part 3A of the Environmental Planning & Assessment Act, 1979 AND THAT Council seek a response from the Minister as to why developer contributions are not payable to Council as a result of this development.***

**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, 8 April 2009

### COMMITTEE REPORTS

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#### COMMITTEE REPORTS TABLED

<b>c-CR1      Management and Advisory Committee Reports</b>
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Submitting minutes of eleven (11) Committee meetings that will be tabled for information.

***MN 114/09***

***MOTION*** moved by Clr P B Tuddenham and seconded by Clr D Stranger:

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

***PASSED***

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**COMMITTEE REPORTS**

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**COMMITTEE REPORTS ATTACHED**

<b>c-CR2</b>	<b>Minutes of the Environment and Sustainability Committee</b>
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REF:	NRC
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5465/29.01
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Submitting minutes of the Environment and Sustainability Committee held on Wednesday, 18 March 2009.

**MN 115/09**

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

**THAT** the recommendations as detailed in the minutes of the Environment and Sustainability Committee held on Wednesday, 18 March 2009 be adopted.

**PASSED**

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<b>c-CR3</b>	<b>Minutes of the Moss Vale Livestock Selling Centre Strategic Advisory Board</b>
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REF:	PPM
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7170/01
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Submitting minutes of the Moss Vale Livestock Selling Centre Strategic Advisory Board held on Friday, 27 March 2009.

**MN 116/09**

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

**THAT** the recommendations as detailed in the minutes of the Moss Vale Livestock Selling Centre Strategic Advisory Board held on Friday, 27 March 2009 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, 8 April 2009

### COMMITTEE REPORTS

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<b>c-CR4 Finance Sub Committee (Council's Investments)</b>
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REF: DCS
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107/22
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Submitting minutes of the Finance Sub Committee (Council's Investments) meeting held on Friday, 27 March 2009.

**MN 117/09**

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

**THAT** the minutes of the Finance Sub Committee meeting held on Friday, 27 March 2009 be noted and the agreed action endorsed.

**PASSED**

Dissenting Vote

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

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<b>c-CR5 Finance Sub Committee (Council's Investments)</b>
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RE: DCS
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107/22
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Submitting minutes of the Finance Sub Committee (Council's Investments) meeting held on Wednesday, 1 April 2009.

**MN 118/09**

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

**THAT** the minutes of the Finance Sub Committee meeting held on Wednesday, 1 April 2009 be noted and the agreed action endorsed.

**PASSED**

Dissenting Vote

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

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**GENERAL BUSINESS**

1. RAIN WATER TANK REBATES 5200/10.1

Clr J Mauger asked about costs of inspections for rainwater tanks and solar panel installation. A Mr B Cryer had contacted him and is concerned at the costs incurred for inspections for matters that result in a lessening of his carbon footprint. Clr Mauger noted that he had raised this matter before but did not recall a written reply. (Clr Mauger noted that he has now received a copy of a letter to Mr Cryer dated 5 January 2009).

The Director Environment & Planning advised that he will take this matter on notice.

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2. OLD SOUTH ROAD CENTRELINE ROAD MARKING RD1587

Clr D Stranger advised that he had received a letter from a Mr Michael Lynch dated 27 March 2009 in relation to what he considers to be a dangerous situation that exists on Old South Road (north of the Bong Bong Road intersection at the Marist Brothers property) where there are no road centreline markings and noted that there have been a number of accidents on this section of road. Mr Lynch asked if Council could consider continuing the existing centreline markings on this section of roadway.

The Director Technical Services advised that he would investigate this request.

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3. BONG BONG STREET, BOWRAL RD8260, 1620

Clr D Stranger also referred to concerns raised by Mr Lynch in his letter about a blind bend on Bong Bong Street just before it meets Old South Road and requested that line marking be also undertaken on this section of road.

The Director Technical Services advised that he would investigate this request.

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4. BOWRAL SWIMMING POOL 6701/3

Clr K Halstead brought forward a letter from Mrs Joanne Santry dated 25 March 2009 regarding serious allegations in relation to the condition of the Bowral Swimming Pool, including cleanliness, hygiene, mismanagement, among other things, and also if the pool signage complies with the Australian Standards.

The Director Technical Services advised that he would investigate this matter.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 8 April 2009

### GENERAL BUSINESS

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5. PRESS RELEASE OF ICAC INVESTIGATION

1420/5

Clr K Halstead raised certain issues in relation to the Press Release in relation to the ICAC Investigation as it related to Clr Mauger.

The Mayor Clr T D Gair responded to Clr Halstead's questions.

Clr J Mauger also spoke on the matter.

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6. LIGHTING OF BESSEMER STREET AND OLD HUME HIGHWAY, MITTAGONG

7330/2

Clr P B Tuddenham asked what is the current situation regarding previous requests to upgrade lighting at this intersection as it is a very dangerous intersection at night time?

The Director Technical Services advised that he would investigate this matter.

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7. LINE MARKING AT CAVENDISH STREET AND OLD BOWRAL ROAD,  
MITTAGONG

7405, RD3127, RD3174

Clr P B Tuddenham asked if the line marking had been completed at the Cavendish Street and Old Bowral Road intersection. He asked if it has not been completed, could Council ensure that the line marking is undertaken as a matter of urgency.

The Director Technical Services advised that he would investigate this matter.

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8. KENTUCKY FRIED CHICKEN SIGN AT THE NORTHERN END OF MITTAGONG

5613/2, 5320/64, PN1766240

Clr L A C Whipper asked for an update on the Kentucky Fried Chicken sign on the Mittagong Golf Club land as he had noticed the sign was still there.

The Director Environment & Planning advised that this matter had been dealt with through the Legal Committee.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 8 April 2009

### GENERAL BUSINESS

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#### 9. LEAVE OF ABSENCE

PERS

Clr L A C Whipper sought leave of absence for the next Council meeting on Wednesday, 22 April 2009.

**MN 119/09**

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

**THAT leave of absence be granted to Clr L A C Whipper for the next Council Meeting on Wednesday, 22 April 2009.**

**PASSED**

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#### 10. BUNDANOON FOOTPATH REPAIR IN RAILWAY STREET, BUNDANOON

7810/4, RD0569, 0120

Clr J R Clark asked if Council could urgently repair the footpath in front of the Supermarket and Service Station in Railway Street, Bundanoon. He stated that there is a damaged section of the footpath and adjoining Telstra pit cover which have been fenced off for several months. Pedestrians are currently forced to walk around this fenced off section onto uneven ground which presents a trip hazard.

The Director Technical Services advised that he will take this matter on notice.

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#### 11. UNEVEN FOOTPATH AT PENROSE PUBLIC SCHOOL

1510/15, 7810/4

Clr J R Clark asked if Council could undertake maintenance work to the unmade portion of the footpath from Penrose Public School to the General Store to provide a more even surface for pedestrians and cyclists.

The Director Technical Services advised that he will take this matter on notice.

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#### 12. RID RE DUMPING OF RUBBISH AT OXLEY HILL

5508, 7500/17

Clr G McLaughlin referred to the environment levy to RID of \$15,000 and advised that this is a worthwhile matter, as he had noted that there is a large amount of illegal dumping in the Shire. Clr McLaughlin particularly noted the dumping of rubbish at Oxley Hill today.

The Director Technical Services advised that he will take this matter on notice.

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13. LIGHTS ON THE OLD BOWRAL COUNCIL CHAMBER

7101/2

Clr G McLaughlin noted that the lights on the Old Bowral Council Chambers all appeared to be there but were not working and also the lighting in Coles Carpark and asked if these matters could be investigated.

The Director Technical Services advised that he will take this matter on notice.

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14. CHARGES FOR WATER

2101/3

Clr G McLaughlin advised that he had received an enquiry from a business owner about running an account for payment of water and asked if the account system could be changed to accommodate small businesses.

The Director Technical Services advised that he would investigate this matter.

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15. URBAN WATER FILLING STATIONS

7790/14

Clr G McLaughlin asked if it was possible to delay the recall of metering standpipes until there are more filling points in the Shire as some people have to travel long distances in the Shire to collect water if they cannot use standpipes.

The Director Technical Services advised that if anyone has problems with the standpipes they should speak with Council about any issues they have and that Council will endeavour to accommodate those people in the interim period until there are adequate standpipes across the Shire.

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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.

At this juncture, the time being 7.16 pm, pursuant to section 10A(4), the Mayor offered the opportunity to members of the public to make representations to Council as to whether any items of the Closed Council should not be considered in Closed Council.

This information would, if disclosed, prejudice the maintenance of the law, AND THAT the press and public be excluded from Closed Council as it is the opinion of the General Manager that publication of the proceedings would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

No objections were received from the members of the public.

**MN 120/09**

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

1. **THAT Council moves into Closed Council in accordance with the requirements of Section 10 of the Local Government Act 1993 as addressed below to consider the following reports, with the exception of c-CS1 – Update on Lehman Brothers Australia – as it was agreed not to consider this matter, the reason being that there was no further information at this time and the matter was subsequently withdrawn:**

**c-GM1** **STAFF MATTER**

**PERS**

**Relevant Legal Provisions**

***This matter has been placed in Closed Council as it deals with personnel matters concerning particular individuals, under Section 10A(2)(a) of the Local Government Act.***

**Brief Description**

***This report deals with the General Manager's Contract.***

**Public Interest**

***It would on balance be contrary to the public interest to consider this information in Open Council because of personnel matters concerning particular individuals (other than Councillors).***

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 8 April 2009

### CLOSED COUNCIL

## REPORT OF CORPORATE SERVICES DIVISION

### c-CS2 Sale of Land for Overdue Rates – Section 713 Local Government Act, 1993

REF: FSM

2220/2009

Report to appraise Council of the current situation in relation to the sale of land for overdue rates (Section 713) to be held on 17 April 2009.

Council's Financial Services Manager, Mr Doug Neville, addressed Council and answered questions on this matter.

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

1. **THAT Council endorse the sale being undertaken at the Wingecarribee Shire Council Theatre on Friday, 17 April 2009 commencing at 11.00am AND THAT the auctioneers appointed be Richardson & Wrench Bowral and also Raine & Horne Bowral.**
2. **THAT Council endorse reserve prices as recommended in the list attached to the report.**
3. **THAT Council endorse the withdrawal from sale of two (2) properties namely Lot 7 DP 718101 and Lot 1 DP 1012520 AND THAT the rates totalling \$7,717.93 be written off as uneconomical to recover AND THAT the Department of Lands be requested to cancel the relevant valuations of those parcels.**
4. **THAT the General Manager and/or Director Corporate Services be authorised to bid for Lot B Old Hume Highway, Mittagong AND THAT they take the necessary action to incorporate such land with existing adjacent parkland AND THAT the auctioneer be authorised to make one (1) vendor bid for \$11,000.00.**
5. **THAT the General Manager and/or Director Corporate Services be authorised to negotiate private sales of any parcels of land that may be passed in at the auction on the day of the auction.**
6. **THAT the sale commence with the auction of Lot B Old Hume Highway, Mittagong and Lot 21 DP 1029384 Colo Street, Mittagong by Richardson & Wrench Bowral followed by the remainder of lots as listed by Raine & Horne Bowral.**
7. **THAT Council confirm its previous resolution of 17 December 2008 (O/C 314/08) that all properties listed will be put up for auction on 17 April 2009 unless all outstanding rates are paid in full prior to the auction.**

**PASSED**



**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 8 April 2009

**CLOSED COUNCIL**

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**EXTENSION OF TIME**

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***MN 121/09***

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

***THAT in accordance with Council's Code of Meeting Practice, Council approves an extension of time to 7.45 pm.***

***PASSED***

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### CLOSED COUNCIL

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#### GENERAL MANAGERS REPORT

<b>c-GM1</b>	<b>Staff Matter</b>
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REF:	MAYOR
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PERS
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Reporting on a staffing matter concerning the General Manager.

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

**THAT the staff matter concerning the General Manager be considered at the next Ordinary meeting of Council to be held on Wednesday, 22 April 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, 8 April 2009

### CLOSED COUNCIL

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#### REPORT OF CORPORATE SERVICES DIVISION

<b>c-CS1</b>	<b>Update on Lehman Brothers Australia</b>
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REF:	DCS
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107/9, 2104
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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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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 8 April 2009

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### OPEN COUNCIL

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**MN 122/09**

107/10

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

**THAT** Council moves back into Open Council.

**PASSED**

No members of the public were present in the Chamber.

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### ADOPTION OF CLOSED COUNCIL

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**MN 123/09**

107/9

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

**THAT** the recommendations of the Closed Council held on Wednesday, 8 April 2009 (Items c-GM1 and c-CS2) be adopted.

**PASSED**

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### ADOPTION OF OPEN COUNCIL

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**MN 124/09**

107/10

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

**THAT** the recommendations of the Open Council held on Wednesday, 8 April 2009 being OC 29/09 to OC 45/09, 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, 8 April 2009

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THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.41 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 8 April 2009 numbered M/N 107/09 to M/N 124/09, were signed by me hereunder at the Council Meeting held on Wednesday, 22 April 2009.

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CHAIRMAN

READ AND CONFIRMED THIS 22<sup>ND</sup> DAY OF APRIL 2009

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CHAIRMAN

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