

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/09



held on Wednesday, 27 May 2009

The meeting commenced at 3.30 pm.



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held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 May 2009

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held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 May 2009

COMMENCING AT: 3.30 pm

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

IN ATTENDANCE: General Manager, Mr Mike Hyde
Director Corporate Services, Mr Barry Paull
Director Environment & Planning, Mr Scott Lee
Director Technical Services, Mr Michael Brearley
Manager Administration Services, Mr Peter Nelson
Administration Officer, Ms Liz Johnson

PRAYER

100/1

The meeting was opened in prayer led by Captain David Day of the Salvation Army, Bowral.

ADDITIONAL ITEM

PRESENTATION OF PLAQUE BY HIGHLANDS PIPES AND DRUMS

The Highlands Pipes and Drums, represented by Mr Rob Parker, Pipe Major and Mr Chris Tabram, President, presented a plaque to the Council acknowledging Council's financial assistance to the band since its inception in 2000. Mr Parker advised that in 2006 the band attended the World Championships in Glasgow where they finished a credible 8th in their heat. He advised that the band intends to again travel to Glasgow in 2010 to participate in the World Championships and hopes they will manage an ever better result. He stated that Council's financial assistance, which helped to fund the purchase of their uniforms, was a big part in creating a successful local community band.

The Mayor, Clr T D Gair accepted the plaque on behalf of Council and thanked Mr Parker and Mr Tabram for their attendance and presentation of the plaque. The Mayor advised that Council will continue to assist, where possible, through community grants and its yearly financial donations.

APOLOGY

There were no apologies at this meeting.

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 13 MAY 2009

100/1

MN 178/09

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 13 May 2009 MN 151/09 to MN 177/09 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

BUSINESS ARISING

1. PARKING RESTRICTIONS ON ARGYLE STREET, MOSS VALE 7460/26

Clr P B Tuddenham advised that he was not at the last meeting of Council on Wednesday, 13 May 2009 when the meeting of the Traffic Committee Meeting held on Monday, 20 April 2009 were adopted. Clr Tuddenham referred to Item 6 - Parking Restrictions on Argyle Street, Moss Vale, and advised that the recommendation should correctly state that the plans of the proposed interim parking restrictions and channelisation on Argyle Street (HW25) from Railway Street to Arthur Street, Moss Vale, were to go on community consultation with residents of Moss Vale and the Moss Vale Chamber of Commerce. He asked that this item be re-submitted to the next Traffic Committee Meeting and that the President of the Moss Vale Chamber of Commerce, Mr Brian Whyte, be invited to attend that Meeting, and for further consideration of the plans before they are brought back to Council after consultation with the Chamber of Commerce.

The Mayor, Clr T D Gair stated that this is a procedural matter and that Clr Tuddenham should bring the matter back to Council at the next Meeting on Wednesday, 10 June 2009 by way of a Rescission Motion and Notice of Motion.



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DECLARATIONS OF INTEREST

101/3

Clr T D Gair declared a non-pecuniary interest in Item o-EP4 – S82A Review – Landscaping Supply & Plant Equipment Hire Yard, Braemar - as he has a friendship with the applicant and had his election posters on the applicant's property for the last Council elections. 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 declared a non-pecuniary interest in Item No 1 – Scottish Arms - of the Legal Committee meeting held on Wednesday, 13 May 2009 - as he was a consultant planner for the applicant (before his election to the Council). He stated that he would leave the chamber when Item 1 of the Minutes of the Legal Committee was discussed, take no part in the debate and he would refrain from voting on the adoption thereof.

OPEN COUNCIL

MN 179/09

107/10

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

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

PASSED



VISITOR ITEM

v-EP1 Extensions to Bradman Museum

REF: DCM LUA 09/0130, PN 212200

This report considers a proposal to extend the Bradman Museum in order to house the International Cricket Hall of Fame.

Mr Michael Doughty addressed Council on behalf of the objectors.

Mr Jim Gilvarry, Architect, from APP Corporation Pty Ltd, addressed Council and made a presentation on behalf of the applicant.

OC 72/09

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

THAT LUA 2009/0130 for an extension to the Bradman Museum to house the International Cricket Hall of Fame on Lot 11 DP 787940, St Jude Street, Bowral, be approved subject to appropriate conditions of consent to the satisfaction of the Director of Environment and Planning AND THAT the landscape plan address the southern exposure of the building and, where possible, maximise the replanting of existing trees.

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr K Halstead	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr G McLaughlin	x	
Clr J Mauger	x	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



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REPORT OF DIRECTOR TECHNICAL SERVICES

VISITOR ITEMS – SUPPLEMENTARY REPORT

ENVIRONMENT & PLANNING DIVISION

**v-EP2 Commercial units & light industrial warehouse at Anzac Parade,
Bundanoon**

REF: DCM

LUA08/1280

Reporting on the proposed construction of Commercial Units and a Light Industrial Warehouse at Lot 10-15 DP 12552 Anzac Parade, Bundanoon.

It was noted that this matter was deferred at the Ordinary Meeting of Council held on Wednesday, 13 May 2009 and referred to the Ordinary Meeting of Council to be held today, Wednesday, 27 May 2009 following an inspection of the site on Friday, 22 May 2009.

Mr Ralph Clark, President of the Bundanoon Community Development Association Inc, addressed Council on behalf of the objectors.

Mrs Bridget Tuite, the owner, addressed Council on the matter.

OC 73/09

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

1. **THAT LUA08/1280 for proposed construction of commercial units and a light industrial warehouse at Lot 10-15 DP 12552 Anzac Parade, Bundanoon, be refused in its current form.**
2. **THAT the applicant be advised that having regard to Draft Wingecarribee Local Environmental Plan 2009 ('Draft WLEP 2009'), Council will not support any industrial or warehouse use of the proposed floorspace. Amended plans should be requested which show a redesign of the proposed warehouse style unit to be more suitable for proposed commercial/retail uses consistent with the provisions of Draft WLEP 2009 and that the total floorspace of the proposal should be adjusted to ensure appropriate on-site car parking is provided to satisfy Council's Development Control Plan No 12 on the basis of one (1) space per 30 square metres of floorspace.**
3. **THAT all building materials for the proposed development be consistent with the Bundanoon DCP and take into consideration the heritage issues of the area.**

PASSED



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REPORT OF DIRECTOR TECHNICAL SERVICES

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr K Halstead	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr G McLaughlin	x	
Clr J Mauger	x	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	

CHAIRPERSON

At this juncture, the time being 5.27 pm, the Mayor, Clr T D Gair, resumed the Chair to conduct the remainder of Council Business.



TECHNICAL SERVICES DIVISION

v-TS1 Robertson Sewerage Scheme – Reclaimed Water Irrigation Site

REF: MBW

7650

Reporting on the current status of progress with the Robertson Sewerage Scheme.

Council's Sewerage Projects Co-ordinator, Mr Mark Williams, addressed Council on this matter.

MN 180/09

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

1. **THAT** Council proceed to determine the environmental approval of the proposed Robertson Sewerage Scheme by considering the Determination Report prepared by Connell Wagner Pty Ltd.
2. **THAT** negotiations commence immediately to purchase the necessary irrigation areas, as an alternative to the execution of an agreement for the operation of the reclaimed water irrigation scheme **AND THAT** if no agreement can be reached with the landowner within a two (2) month period, Council commence compulsory acquisition under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991.
3. **THAT** progress with these negotiations be reported to Closed Council as soon as possible.
4. **THAT** the Department of Commerce be requested to undertake a review of the scheme estimate, including a contingency item to allow for the possible purchase of land for the reclaimed water irrigation areas.

PASSED

QUESTIONS FROM THE PUBLIC

1. PROPOSED FUTURE DEVELOPMENTS OF "CAPERNWRAY", "NEERIM" AND "GIBRALTAR PARK" LUA08/0616

Mrs Pam Cooper asked if Council has any further information relating to the future intentions of "Capernway", "Neerim" and "Gibraltar Park" and is Council aware of any other SEPP5 proposals in the pipeline?

The Director Environment & Planning advised that Council has nothing further to report in relation to "Capernway" and "Gibraltar Park". He advised that the matter of "Neerim" is subject to Land & Environment Court proceedings at the present time and that amended plans have been lodged and have been circulated to the community for further comment.

2. REPLY IN WRITING TO QUESTIONS ASKED BY THE PUBLIC 100/3

Mr Ian Scandrett asked when will Council respond in writing to questions asked by the public in question time?

The General Manager responded that many of the questions that have been asked were replied to verbally and did not require written responses. On a few occasions written responses were to be provided and this is being undertaken. The General Manager advised that in relation to Mr Peter Smyth's request at the last Council Meeting on Wednesday, 13 May 2009, Mr Smyth was to be contacted to ascertain exactly which questions he had not received a response to.

3. COMMERCIAL HORSE BREEDING UNDER THE DRAFT LEP 5900/3

Mr Ian Scandrett referred to a report in the Southern Highland News on 22 May 2009 that commercial horse breeding is now something that under the draft Local Environment Plan ('LEP') could be banned or prohibited in Zones E3 and E4 (formerly Zones 7a and 7b) and that such "unapproved" businesses could be shut down. Mr Scandrett advised that there was a lot of confusion particularly by people breeding horses on a small scale and asked if this matter could be defined as Council goes forward with the LEP.

The Director Environment & Planning advised that this matter was raised and discussed on the LEP Steering Committee Tour on Friday, 22 May 2009. He stated that it is a matter of definition and there are a couple of definitions that are relevant which are animal boarding or training establishments which have been prohibited in the E3 Zones. However, there is another definition that can have relevance and that is "Recreation Facility Outdoor". He advised that the types of use Mr Scandrett was referring to could quite easily fit into that definition and they are not prohibited in that Zone. The Director Environment & Planning advised that this is a matter that needs to be clarified before finalisation of the LEP to the Department of Planning.

The Mayor Clr T D Gair advised that a copy of both of these definitions would be given to Mr Scandrett.

The Director Environment & Planning advised, in relation to Mr Scandrett's query about enforcement action against existing facilities, that if the planning provisions change to make lawful or approved uses prohibited, those uses enjoy "existing use rights", that is what existing use rights are all about. However, if there are operations that are unlawful, in other words being carried out without having sought or received Council consents that were appropriate or required, then Council may take action against those operations, but they are totally separate circumstances.

4. VENDORS SELLING FISH FROM VANS 5406/9

Mr Ian Scandrett asked the following questions in relation to this issue:

- (i) Does a van selling fish in a petrol station comply with the development approval for that petrol station?
- (ii) Does Council carry out inspections of that site?
- (iii) What contribution does a van sales operator make to rates, charges, levies and car parking?
- (iv) Will Council take action to ensure local markets are for local produce only (in relation to raw foods)?

The Director Environment & Planning in response to questions (i) and (ii) advised this matter was previously reported to Council in relation to activities being undertaken by operators who had not sought the necessary approvals. He advised that in most cases vendors operating from petrol stations were not considered at all when the petrol station was given approval. He advised that it is Council's intention at this stage to assess the suitability of those operators in their location, with some regular review of the situation, rather than the current situation where they have just grown organically without any reference to Council.

The Director Environment & Planning advised in relation to questions (iii) and (iv), that van sales operators do not contribute financially via rates, etc. In relation to markets, this was not an issue covered in the report to Council and that he was not aware of any proposal at this stage to review the current markets that operate in the Shire.



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REPORT OF DIRECTOR TECHNICAL SERVICES

5. S82A REVIEW – LANDSCAPING SUPPLY & PLANT EQUIPMENT HIRE YARD,
BRAEMAR LUA08/0493

Mr Charlie Johns noted that this development application was previously refused by Council. However, Mr Johns, in referring to the report before Council at this meeting, noted that there is alternate access being offered to get it approved. He asked:

- (i) Will the extension of the road suggested on the adjacent property be tar sealed as is the rest of the road?

The Director Environment & Planning advised that this needs to be assessed as to the suitability of the location which will solve some of the issues raised previously by Council. He advised that what has been asked for is a temporary occupation of the site and any conditions that Council imposes would need to be reasonable in that context, and that any upgrading of the access would need to consider the temporary nature of the use.

- (ii) If approved, will there be an “existing use” rights if the land is rezoned residential?

The Director Environment & Planning advised that this issue would not arise as the applicant has asked for a limited consent, and Council has the ability to issue a limited consent, and at the expiration of that period of time the approval ceases and there is no existing use rights issue.

- (iii) Will the traffic lights, which are only designed for rigid vehicles, be redesigned to take articulated vehicles like “B” doubles and semis at the applicant’s cost?

The Director Environment & Planning advised that if this was a requirement then it would no longer be an attractive proposition to the applicant given the temporary nature of the use and that it was put forward as an alternative in an attempt to address the issues that there raised previously. He stated that the applicant may be hesitant to do too much work given the fact that it was only a temporary approval.

6. DEVELOPMENT APPLICATION PLANS FOR MAJOR PROJECTS IN THE
MITTAGONG REGION 5302/1, 1602/10

Mr Charlie Johns asked if it was possible for the Mittagong Chamber of Commerce to receive documentation/development application plans for major projects in the Mittagong region so that there is some community consultation given that there is no longer a master plan committee?

The Mayor Clr T D Gair advised that this would not be possible and that they will still need to come into Council to inspect the plans.



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REPORT OF DIRECTOR TECHNICAL SERVICES

7. ROBERTSON SEWERAGE SCHEME

7650

Mr Terry Oakes-Ash asked if there are 57 sewage disposal systems that currently discharge effluent into the river system, why can't we?

The Mayor Clr T D Gair advised that part of Council's development consent conditions was that Council agreed to dispose of the effluent on Council owned land and that the Sydney Catchment Authority would not allow the effluent to be discharged on the top side of Wingecarribee Dam.

The Director Technical Services added that as Robertson is a relatively wet area 83% of treated effluent is required to be irrigated and that is a requirement to satisfy the Sydney Catchment Authority's Neutral or Beneficial Effects test. He advised that the SCA have indicated that this is mandatory and is not negotiable.

8. PLANS ON PUBLIC DISPLAY

201/2.1, 5605, 5302/1

Mr Peter Cunningham advised that on 16 July 2008, when obtaining some facts by photographing parts of some plans that were on public display, he was stopped from citing some other documents. He asked if Council will amend its development application process so that by default, copyright and similar restrictions are waived on any documents subject to public viewing and that such documents be made available to the public by both hard copy and electronic form at Council and online?

The Director Corporate Services advised that under Section 12 of the Local Government Act and also under the Environmental Planning & Assessment Act, the public has a right to access development applications submitted to Council, but there are exclusions in both of those Acts in relation to floor plans which comes down to a privacy issue, but also in some cases it may be an issue of security in terms of those plans being made available. However, in some circumstances if there is a request for floor plans to be made available Council would approach the applicant/architect and seek their permission, and if that permission is given, then Council has on limited occasions provided access to floor plans but on the proviso that the person seeking those documents have signed something to say they will not breach the copyright provisions. He advised that the public has a right to access things like the profiles and visual effects and certain other information in relation to the development application but not to the floor plans.

Mr Cunningham asked for a copy of the sections from the two Acts, which the Director Corporate Services agreed to provide to Mr Cunningham.



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REPORT OF DIRECTOR TECHNICAL SERVICES

9. COUNCIL'S WEBSITE

1300/8.1, 5302/1

Mr Peter Cunningham asked when will all development applications and related documents be available via digital media (website) so that members of the public can access information without being required to travel to Moss Vale?

The General Manager responded, noting that this is a target that all Councils aspire to. However, he advised that it is expensive and has major implications for Council's Information Technology infrastructure and that Council is working on a system that will allow people the opportunity to go online to view their plans.

10. ANIMAL BOARDING AND TRAINING ESTABLISHMENTS

5900/3

Mr Darren Hogan noted that the previously exhibited Draft LEP 2007 permitted animal boarding and training establishments within the E3 Zone and asked why such establishments have become prohibited within the Draft LEP 2009?

The Director Environment & Planning advised that he would discuss this issue with Mr Hogan in more detail. He advised that one of the issues in the E3 Zones is the environmental integrity and visual aspect of those areas, so in construction of the land use tables Council has been conscious to look at land uses which could potentially have an impact from that perspective.



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 4/5/09 to 18/5/09.

MN 181/09

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

THAT the information relating to Development Consent Nos 1-10 under Delegated Authority be received and noted.

PASSED



o-EP2 List Of Land Use Applications Received By Council

REF: DCM

5302

Submitting list of development applications which have been received between 4/5/09 and 18/5/09, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

MN 182/09

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

THAT the information regarding the List of Land Use Applications Nos 1-7 received by Council be received and noted.

PASSED

Matters Arising from Land Use Applications Received by Council

1. FAIR MARKET & FOOD STALLS & CONCERT STAGE, SOUTHERN HIGHLAND WINES LUA09/0361

Clr J Clark asked in relation to Item 5 – Fair Market & Food Stalls & Concert Stage – whether the concert stage component of the development was just for the markets or is it an ongoing facility?

The Director Environment & Planning advised that information will be provided in the Weekly Circular.



o-EP3 Storage of fireworks at Carribee Close, Berrima

REF: DCM

LUA09/0050

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

MN 183/09

MOTION moved by Clr K Halstead and seconded by Clr J Mauger:

THAT prior to determination of LUA09/0050 for the storage of fireworks at Lot 5 DP 816975 Carribee Close, Berrima, Council seek an opinion from its legal advisers on the definition of "Home Occupation" AND THAT once legal advice has been received a report be brought back to Council for further consideration.

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr K Halstead	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr G McLaughlin	x	
Clr J Mauger	x	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	

o-EP4 S82A Review – Landscaping Supply & Plant Equipment Hire Yard, Braemar

REF: DCM

LUA08/0493

Reporting on Section 82A Review of landscaping supply and plant equipment yard Refusal at Lot 3 DP 607486 Hume Highway, Braemar.

Interest: The Mayor Clr T D Gair declared a non-pecuniary interest in this matter as he has a friendship with the applicant and had his election posters on the applicant's property for the last Council elections. He left the chamber, took no part in the debate and refrained from voting thereon.

Clr K Halstead resumed the chair for this item.

MN 184/09

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

1. **THAT Council's Refusal of LUA08/0493 for a landscaping supply and plant equipment yard at Lot 3 DP 607486 Hume Highway, Braemar, be upheld.**
2. **THAT the applicant be encouraged to enter into discussions with the owner of the adjoining land to utilise Isedale Road for temporary access to the site.**
3. **THAT subject to 2 above, the applicant be invited to submit a new application which provides alternative access and provides significant perimeter landscaping including to the Hume Highway frontage which will be in keeping with that proposed on the adjacent industrial land.**

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	A	
Clr K Halstead	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr G McLaughlin	x	
Clr J Mauger	x	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



CHAIRPERSON

At this juncture, the time being 6.25 pm, the Mayor, Clr T D Gair, resumed the Chair to conduct the remainder of Council Business.

o-EP5	Courtyard: Royal Hotel, Bong Bong Street, Bowral
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REF: DCM	LUA08/1199
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Reporting on a development application lodged for an existing courtyard currently used as a beer garden at the Royal Hotel, Lot 11 DP 547653 Bong Bong Street, Bowral.

Clr J G Arkwright left the Chamber at 6.25 pm during the debate on this matter.

MN 185/09

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

THAT Council refer the matter to the Legal Committee with a view to commencing proceedings in the NSW Land and Environment Court.

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	X	
Clr K Halstead	X	
Clr J G Arkwright	A	
Clr J R Clark	X	
Clr G McLaughlin	X	
Clr J Mauger	X	
Clr D Stranger	X	
Clr P B Tuddenham	X	
Clr L A C Whipper	X	

o-EP6 Robertson Inn – New Shops and Alterations

REF: DCM

LUA07/0958

Reporting on an application for boundary adjustment, demolition of part of the existing structure and erection of eight (8) new shops (two with residential flats on first floor) at the Robertson Inn, Lot 2 DP 758882 and Lots 10 and 11 DP 546726 Hoddle Street, Robertson.

Clr J G Arkwright rejoined the meeting at 6.37 pm.

MN 186/09

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

1. **THAT** consideration of LAU07/0958 for the boundary adjustment, demolition of part of the existing structure and erection of eight (8) new shops and two (2) residential flats on the first floor at the Robertson Inn, Lot 2 DP 758882 and Lots 10 and 11 DP 546726 Hoddle Street, Robertson, be deferred until such time as further information is received on the impact of the development on the streetscape and heritage issues involving the Robertson Inn.
2. **THAT** Council carry out a site inspection of the property.
3. **THAT** a further report be brought back to Council for consideration.

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	X	
Clr K Halstead	X	
Clr J G Arkwright	X	
Clr J R Clark	X	
Clr G McLaughlin	X	
Clr J Mauger	X	
Clr D Stranger	X	
Clr P B Tuddenham	X	
Clr L A C Whipper	X	

o-EP7 'Belle Cheval' Construction of Covered Horse Riding Arena, Storage Sheds and Out Building Additions at Robertson

REF: DCM

LUA09/0250, LUA09/0248

Reporting on the construction of a proposed covered horse riding arena, storage sheds and out building additions at "Belle Cheval" Lot 6 DP 737470 Myra Vale Road, Robertson.

MN 187/09

MOTION moved by Cllr K Halstead and seconded by Cllr D Stranger:

1. **THAT** LUA09/0248 and LUA09/0250 for the proposed construction of an enclosed horse riding arena, storage and machinery shed and two canopies adjoining existing sheds at "Belle Cheval" Lot 6 DP 737470 Myra Vale Road, Robertson be approved subject to the following specific conditions:
 - i) **Private Usage**
The riding arena is approved for private use only and is not to be used for any commercial enterprise including that of a riding school and equestrian centre.
 - ii) **Boundary Landscaping**
In accordance with Part 3 of Wingecarribee Development Control Plan No 53 – Siting, Design and Landscaping of Rural Developments boundary landscaping shall not exceed a maximum linear distance of continuous planting of 50 metres. There shall then be a minimum separation distance of 50 metres before the next group of plantings can occur. Plantings must not exceed half of the total allotment frontage to a public road and the maximum height of these plantings be maintained at 3 metres.
 - iii) **Outbuildings Use**
The structures shall not be used at any time for residential, industrial or commercial purposes, or used for the storage of goods associated with industrial or commercial undertakings in accordance with Council's Residential Development Control Plan.
2. **THAT** the Conditions of Consent addressed at the Land & Environment Court as are relevant to the above matter be included in the development consent.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 May 2009
REPORT OF DIRECTOR ENVIRONMENT & PLANNING

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr K Halstead	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr G McLaughlin	x	
Clr J Mauger	x	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 May 2009
REPORT OF DIRECTOR CORPORATE SERVICES

CORPORATE SERVICES DIVISION

o-CS1	Investments as at 30 April 2009
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REF:	SM	2104
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Submitting details of Council's Investments as at 30 April 2009.

MN 188/09

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

THAT the information on Council's Investments as at 30 April 2009 be received and noted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 May 2009

REPORT OF DIRECTOR CORPORATE SERVICES

o-CS2 Rural Fire Service – Proposed Training Facility, Welby Including Request for Closure of Parts of Unformed Roads, Nattai And Berrima Streets, Welby

REF: PO

6500/12, RD3820, RD3804

Reporting on a request from the Rural Fire Service for provision of land for the purpose of a proposed Training Facility at Welby

MN 189/09

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

1. **THAT** Council request the Department of Lands process its application for the closure of part of the unformed Nattai Street and part of the unformed Berrima Street, Welby.
2. **THAT** the Lots created by the closure of the unformed parts of Nattai Street and Berrima Street, Welby be consolidated with the Reserve being part of Crown Plan 33 – 206.
3. **THAT** Council request the Department of Lands consent to the change of use of Reserve to “Community Purposes”.
4. **THAT** Council enter into a Licence Agreement with Rural Fire Service for a period of ten (10) years, with the consent of the Minister for Lands.
5. **THAT** the Licence Fee payable for the use of part of the Reserve by the Rural Fire Service be \$1 per annum, if demanded.
6. **THAT** the General Manager and Mayor be delegated authority to execute any Licence Agreement and/or documentation required to give effect to these resolutions.

PASSED



o-CS3 Proposed Acquisition for Road Widening Purposes – Part 21-25 Inkerman Road, Mittagong

REF: PO

720800, 5817/9

Report on the acquisition of a portion of property at Mittagong for the purpose of road widening at Inkerman Road, with respect to the Renwick development.

MN 190/09

MOTION moved by Cllr P B Tuddenham and seconded by Cllr G McLaughlin:

1. **THAT** the General Manager be delegated authority to negotiate with the registered proprietors of 21-25 Inkerman Road Mittagong for the purpose of acquiring up to 1 metre of land for road widening purposes.
2. **THAT** it be noted that Landcom is wholly responsible for the payment of all costs associated with the road widening including the acquisition of land, whether the land is acquired by agreement or compulsorily acquired.
3. **THAT** in the event that agreement cannot be reached with the registered proprietors of 21-25 Inkerman Road Mittagong for the acquisition of part of that land for road widening purposes, a further report be brought back to Council to endorse the process of compulsory acquisition.
4. **THAT** the General Manager and Mayor be delegated authority to execute any Deed of Agreement, Plan and Transfer documents under the Common Seal of the Council.

PASSED



o-CS4 Committee Appointments and Resignations

REF: MAS	107/1
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Reporting on Management Committee Appointments and Resignations.

MN 191/09

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

1. **THAT Allen Aston and Lyndal Breen be appointed to the Bong Bong Common Management Committee AND THAT Mr Aston and Ms Breen be notified of Council's determination.**
2. **THAT the Bong Bong Common Management Committee be notified of Council's determination.**

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 May 2009

REPORT OF DIRECTOR TECHNICAL SERVICES

TECHNICAL SERVICES DIVISION

o-TS1 Urban Filling Stations

REF: WSM

7790/14

To recommend deferring the implementation of the "Urban Filling Stations Policy" until more filling stations are installed.

MN 192/09

MOTION moved by Clr L A C Whipper and seconded by Clr G McLaughlin:

THAT the implementation of the "Urban Filling Station Policy" be deferred until three (3) more units are installed at suitable locations in Robertson, Bundanoon and Welby.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 May 2009

REPORT OF DIRECTOR TECHNICAL SERVICES

o-TS2 Bulk Water Supply Agreement

REF: WSM

7730/2

The purpose of this report is to recommend approval and sign off of the attached Bulk Water Supply Agreement (BWSA) jointly prepared by the Sydney Catchment Authority (SCA) and Wingecarribee Shire Council (WSC).

-

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

THAT the proposed Bulk Water Supply Agreement between the Sydney Catchment Authority and Wingecarribee Shire Council be approved for signing off by the General Manager effective from 1 July 2009.

MN 193/09

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

THAT the proposed Bulk Water Supply Agreement between the Sydney Catchment Authority and Wingecarribee Shire Council be approved for signing off by the General Manager effective from 1 July 2009 **AND THAT** Council reiterate its opposition to any proposal to extract water from the Kangaloon bore field.

PASSED

AMENDMENT BECAME THE MOTION

MOTION PASSED

Show of Hands

***Voting for the Motion: Clr T D Gair, Clr K Halstead, Clr J G Arkwright,
Clr J R Clark, Clr D Stranger, Clr P B Tuddenham and
Clr L A C Whipper***

Voting Against the Motion: Clr G McLaughlin and Clr J Mauger



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 May 2009

REPORT OF THE GENERAL MANAGER

COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 General Manager's Quarterly Report

REF: GM

506/1

Submitting the General Manager's Quarterly Report to 31 March 2009.

Clr J R Clark requested a review of the accuracy of the information in relation to Councillor's attendances at Council Committee Meetings on page 13 of the Quarterly Report.

MN 194/09

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

THAT the information in respect of the General Manager's Quarterly Report to 31 March 2009 be received and noted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 May 2009

REPORT OF THE GENERAL MANAGER

c-GM2 Weekly Circulars

REF: GM

100/8, 203/2009

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

MN 195/09

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

THAT the information relating to Local Government Weekly Circulars Nos 17/09, 18/09 and 19/09 and Council Weekly Circulars Nos 17/09, 18/09 and 19/09 be noted.

PASSED

Matters Arising from Weekly Circulars

1. **LIGHTING OF BESSEMER STREET & OLD HUME HIGHWAY, MITTAGONG**
7330/2

Clr Tuddenham referred to item No 2 in Weekly Circular 18/09 and asked for a breakdown of the cost of lighting at the corner of Bessemer Street and the Old Hume Highway, Mittagong, estimated at \$40,000 to Integral Energy and asked for clarification to be included in Council's Weekly Circular.



COMMITTEE REPORTS TABLED

c-CR1	Management and Advisory Committee Reports
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REF.	DCS	107/1
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Submitting minutes of three (3) Committee meetings that will be tabled for information.

MN 196/09

MOTION moved by Cllr D Stranger and seconded by Cllr J R Clark:

THAT the information contained in the following Committee Reports be noted:

1. **Bong Bong Common Management Committee held on Tuesday 28 April 2009.**
2. **East Bowral Community Centre Management Committee held on Tuesday 28 April 2009.**
3. **Mittagong Memorial Hall Management Committee held on Thursday 2 April 2009.**

PASSED



COMMITTEE REPORTS ATTACHED

c-CR2	Minutes of the Finance & Internal Audit Committee
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REF:	DCS	107/34
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Submitting minutes of the Finance & Internal Committee meeting held on Wednesday, 20 May 2009.

MN 197/09

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

THAT recommendations FIA 08/09 to FIA 12/09 as detailed in the minutes of the Finance & Internal Audit Committee meeting held on Wednesday, 20 May 2009 be adopted.

PASSED

c-CR3	Minutes of the Finance Sub Committee (Council's Investments)
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REF:	DCS	107/34
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Submitting minutes of the Finance Sub Committee (Council's Investments) meeting held on Thursday, 21 May 2009.

It was noted that Items FIA 8/09 to FIA 12/09 were incorrectly recorded in the Business Paper.

MN 198/09

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 Thursday, 21 May 2009 be noted and the agreed action endorsed.

PASSED

c-CR4	Minutes of the Legal Committee
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REF: DEP	107/22
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Submitting minutes of the Legal Committee held Wednesday, 13 May 2009.

Clr P B Tuddenham indicated that Item iii under the heading "Other Matters – Big W – Safety Issue would be raised in General Business.

MN 199/09

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

THAT the recommendations as detailed in the minutes of the Legal Committee held Wednesday, 13 May 2009 be adopted with the exception of the following items:

Item 1 – Scottish Arms; and

Item 4 – Wallaby Hill Farm, Belmore Falls- Equestrian Centre

PASSED

Interest: Clr K Halstead declared a non-pecuniary interest in Item 1 – Scottish Arms - due to the fact that he was a consultant planner for the applicant before his election to the Council. He left the chamber, took no part in the debate and refrained from voting thereon.

1. ITEM 4 - WALLABY HILL FARM, BELMORE FALLS – EQUESTRIAN CENTRE
LUA06/1142, PN1560500

Clr L A C Whipper referred to Item 4 – Wallaby Hill Farm, Belmore Falls, noting that Councillors had inspected this site on the LEP Steering Committee tour on Friday, 22 May 2009. He asked for some further information to be brought back before Council on the development.

MN 200/09

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

1. **THAT** Council request a comprehensive town planning report outlining:
 - (i) What consent (if any) was given for the site.
 - (ii) The results of an on-site inspection of the site by town planning staff.
2. **THAT** this information be brought forward to the next Legal Committee Meeting.

PASSED

2. ITEM 1 – SCOTTISH ARMS

502/74, LUA07/0568

Interest: Clr K Halstead declared a non-pecuniary interest in this item due to the fact that he was a consultant planner for the applicant before his election to the Council. He was absent at the time this matter was discussed, took no part in the debate and refrained from voting thereon.

MN 201/09

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

THAT as a matter of urgency, Council authorise its legal representative to make representations to the Land & Environment Court seeking a Social Impact Statement and, subject to a positive outcome from that Statement, an initial trial period of twelve (12) months be recommended for the Scottish Arms to trade as a hotel.

PASSED

Clr K Halstead returned to the Chamber at this juncture.

MATTER OF URGENCY

c-CR5	Minutes of the Finance Sub Committee (Council's Investments)
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REF: DCS	107/34
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The Director Corporate Services distributed Minutes of the Finance Sub Committee (Council's Investments) meetings held on Tuesday, 26 May 2009 and Wednesday, 27 May 2009 to Councillors at the meeting.

The Mayor Clr T D Gair requested that the Minutes be considered as a matter of urgency.

MN 202/09

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

THAT *the Minutes of the of the Finance Sub-Committee (Council's Investments) meetings held on Tuesday, 26 May 2009 and Wednesday, 27 May 2009 be considered as a matter of urgency.*

PASSED

The Mayor ruled that this is a matter of urgency.

MN203/09

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

THAT *the minutes of the Finance Sub-Committee (Council's Investments) meetings held on Tuesday, 26 May 2009 and Wednesday, 27 May 2009 be noted and the agreed action endorsed.*

PASSED

GENERAL BUSINESS

1. ENTERPRISE ZONE AT MOSS VALE

5602/11, 5700/60

Clr P B Tuddenham referred to the Economic Development Committee Meeting held on Wednesday, 27 May 2009 and the opportunity for Council, through its Economic Development Officer, to apply for a grant from the State Government for work on the Enterprise Zone at Moss Vale. Clr Tuddenham noted that correspondence received from The Hon Phillip Costa, MP, the Minister for Water, Minister for Rural Affairs and Minister for Regional Development, advised that the State Government will consider works up to \$5.3 million and it will be done on a 50% basis, ie, the State Government will be offering \$2.65 million for infrastructure improvements for the enterprise zone. The area has been identified as being from the Limeworks up to Inghams and would involve road widening in that area. Clr Tuddenham advised that it was the consensus of the Committee that this matter be looked at favourably and he noted that applications have to be in by Wednesday, 10 June 2009. Clr Tuddenham advised that if Councillors require further information they should direct their enquiries to either himself or the Economic Development Officer, Mr Carl Pemberton. Clr Tuddenham advised that Mr Pemberton was to approach landowners in the area, as they would be benefiting from the works, requesting that they contribute to it now. Clr Tuddenham advised that a report will be brought forward to the next meeting of Council to be held on Wednesday, 10 June 2009.

The Mayor Clr T D Gair asked for some information to be given to Councillors before the next Council meeting.

2. YOUTH WEEK 2009

1671/3

Clr L A C Whipper advised that he had meeting today with the Director Environment & Planning, Mr Scott Lee, the Strategic Planning Manager, Mr Mark Pepping and some concerned residents in relation to issues that arose at Loseby Park during Youth Week. Clr Whipper noted that the outcome of the meeting was that Council might consider putting out a media release about the positive nature of the meeting and advising that Council will be addressing some of the issues raised. However, prior to that happening, Clr Whipper asked for a briefing for Councillors in the Weekly Circular and following that, if required, a media release could be prepared.

3. DEVELOPMENT AT BLUE GUMS ROAD, BUNDANOON

5302, 5210/5

Clr L A C Whipper referred to the inspection some months ago in relation to tree removal and road widening at this development and noted that there had been an agreement in principle that as many trees as possible would be maintained and the road width reduced. However, he noted that the developer has taken it upon himself to proceed with the original application and has not taken on board the suggestions made by Council. He advised that there has been some concern in the community particularly in relation to the removal of a corroboree tree. He asked if there is still time to sit down to negotiate with the developer to arrive at some positive outcome that would suit both the developer and the community. Clr Whipper asked that if there is an opportunity for “reasoning” with the applicant in relation to the removal of vegetation and road widening that this should be pursued.

The Director Environment & Planning advised that there may be an opportunity to have further discussions with the developer although there have been numerous discussions between Council staff and the developer on the matter. He advised that it will depend on the extent of the work performed so far as to whether it is worth pursuing but he will certainly follow it up. He advised that contact has also been made with the applicant of the adjoining subdivision and, as it does not appear that there is the prospect of any immediate work being undertaken, there is the opportunity to discuss an outcome on that application.

4. TOILET UPGRADING IN THE SHIRE

7145

Clr J R Clark referred to a 2004 program of upgrading of toilets within the Shire which included Robertson and Bowral. He advised that Bundanoon was on the preliminary list but was dropped off the list due to cost constraints. Clr Clark asked if Council can have another look at the priority list in an endeavour to have Bundanoon included on the list and included in next year’s budget.

The Director Technical Services advised that this project would be included in Council’s ten (10) year forward plan for Council’s property assets but if Council wished to re-consider the priorities the time to do so would be when the draft Management Plan comes back to Council following its exhibition.

The Director Corporate Services advised that the Management Plan is to come back before Council on Wednesday, 24 June 2009 for adoption.

The General Manager advised that there is a briefing on Wednesday, 17 June 2009 when submissions and/or changes to the Management Plan will be considered. The General Manager asked if the Director Technical Services could note this matter.

Clr L A C Whipper left the Chamber at this juncture.

5. WINGECARRIBEE ANIMAL SHELTER

5501/8.6, 5501/8.4

Clr G McLaughlin referred to a letter he had received (as had all Councillors) from the Friends of the Wingecarribee Animal Shelter. He stated that he was disappointed to see the difficulties and frustration expressed in this letter.

The Mayor Clr T D Gair advised that Clr Whipper has taken this matter on board, and he will respond to the letter, if it has not already been done.

Clr L A C Whipper returned to the Chamber at this juncture.

Clr L A C Whipper asked if a response will be sent to the Friends of the Wingecarribee Animal Shelter acknowledging their concerns.

The Mayor Clr T D Gair advised that it has not already been done, a letter of response will be sent.

The General Manager advised that the new team within Council was forming a good relationship with the Friends of the Animal Shelter. However, he advised that there are enormous resource constraints and unfortunately Council does not have the financial resources to meet all requests for financial assistance.

6. ROADSIDE VEGETATION CLEARING

7810/10.1

Clr J Mauger advised that he had noticed that a number of roads in the Shire are showing the effect of an average rainfall year with the resultant increase in growth of roadside vegetation and asked what funds Council has available to clear roads to a safe condition.

The Director Technical Services advised he will investigate this matter and respond in the Weekly Circular.

7. CLOSURE OF BURCHELLS JEWELLERY SHOP IN BOWRAL 600/6, PN201400

Clr J Mauger advised that he believes that Burchells Jewellery Shop in Bowral, which has traded in the Shire for many years, is closing or has already closed. Clr Mauger asked if Council could send a letter of appreciation to the Burchell family thanking them for the service they have provided over the years.

The Mayor Clr T D Gair expressed his concern at the closure of this long-standing family business and advised that subject to confirmation of closure he would forward a letter of appreciation.

8. USE OF CONSULTANTS

601

Clr J Mauger referred to his request at the Council meeting on Wednesday, 22 April 2009 where he asked the General Manager to provide Councillors with a list of consultants who have been engaged, the cost of each consultant and the benefit Council enjoyed as a result of engaging such consultants. He noted that to date he has not received a reply to his question.

The General Manager advised that the information in relation to the engagement of the consultants and the costs thereof is presently being extracted and would be provided to Clr Mauger shortly. However, he advised that if Clr Mauger required the benefits of engaging consultants, then this information will take much longer to extract as it is a large and costly job which will take many hours of work by staff.

The Mayor Clr T D Gair advised that the information in relation to the costing could be provided to Clr Mauger quite quickly but there is the issue of staff time in providing the further information that Clr Mauger has requested. He asked Clr Mauger what benefit would be achieved from providing that information.

The General Manager advised if the request could be modified to the cost and the projects the consultants were working on, then that information can be provided fairly quickly and then if Clr Mauger could indicate any project he would like additional information on then that could be investigated, but he reiterated that it will take many hours to provide the further information.

9. STRUCTURAL PROBLEMS AT THE MARKETPLACE, MITTAGONG PN1750570

Clr K Halstead referred to the Marketplace at Mittagong and asked the following:

- (ii) Can the General Manager give a brief up-date on the "structural problem" at the Mittagong Marketplace.

The General Manager advised that it was his understanding that Council's independently appointed engineer, Mr Algi, has met with the engineers who have worked on the Marketplace project. The General Manager advised that Mr Algi has reviewed the information and drawings and has arrived at the conclusion that certain remedial works that are being proposed by Woolworths are the works that need to be undertaken and he has indicated that there is nothing urgent in the requirement and that the remedial works will be conducted in the next 1.5 weeks. The General Manager noted that he had advised Councillors of the situation by memo last Friday. He stated all the issues that have been alleged have been compiled and these issues have been assessed by two (2) sets of engineers and they have arrived at the remedial works that are required. He advised that primarily the additional works that are required at this stage relate to the underside of the loading ramp for Big W in a lower part of the structure which is not suitable for cars to go into and it has been directed that access to this area be blocked off to customers and pedestrians.

- (ii) Does Council have in its possession a full set of structural engineering plans? If not, why not as it is a requirement of the legislation that they be furnished to the appropriate Council by the Private Certifier?

The Director Environment & Planning advised that Council does now have the plans that were very recently provided.

- (iii) Asked the General Manager if it was his “normal” policy to discuss the contents of a “Confidential” email (dated 15 May 2009) forwarded to him by Clr Halstead with respect to the Mittagong Marketplace, which Clr Halstead noted had been discussed with other Councillors in his absence.

The General Manager advised that this issue had been discussed with other Councillors as it had been raised with him by another Councillor at a “Confidential” meeting and it was the source of some heated debate on which there would be further discussions.

Clr Halstead stated that if the report from Mr Algi was the only report that Council had received it was, in his opinion, a very basic preliminary report.

10. PROVISION OF A RAINWATER TANK FOR THE TIMOR VILLAGE THAT IS SPONSORED BY COUNCIL 2155/1

The Mayor Clr T D Gair referred to a request for \$2,000 from the Timor Village that is sponsored by Council for a rainwater tank and advised that he will have further information on this matter placed in the Weekly Circular for the information of Councillors.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 May 2009

CLOSED COUNCIL

CORPORATE SERVICES DIVISION

c-CS1	Closed Council
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To consider moving into Closed Council.

At this juncture, the time being 7.34 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.

The Mayor, Cllr D Gair advised that there is no additional information in relation to Lehman Brothers Australia.

REPORT OF CORPORATE SERVICES DIVISION

c-CS1	Update on Lehman Brothers Australia
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REF:	DCS
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107/9, 2104

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.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 May 2009

ADOPTION OF OPEN COUNCIL

107/10

MN 240/09

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

THAT the recommendations of the Open Council held on Wednesday, 27 May 2009 being OC 72/09 to OC 73/09, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 May 2009

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.35PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 27 May 2009 numbered M/N 178/09 to M/N 204/09, were signed by me hereunder at the Council Meeting held on Wednesday, 10 June 2009.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 10 JUNE 2009

CHAIRMAN

PUBLIC OFFICER