

# MINUTES

## OF THE ORDINARY MEETING OF COUNCIL

*File No. 100/09*



held on Wednesday, 24 June 2009

The meeting commenced at 3.30 pm.



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 24 June 2009

### CONTENTS

|   |           |
|---|-----------|
| <b>CONFIRMATION OF MINUTES</b>  | <b>2</b>  |
| Ordinary Meeting Wednesday, 10 June 2009  |           |
| <b>CONFIRMATION OF MINUTES</b>  | <b>3</b>  |
| Extraordinary Meeting Wednesday, 17 June 2009   |           |
| <b>MAYORAL MINUTE</b>   | <b>5</b>  |
| c-MM1 Investment Recovery Strategy .....  | 5         |
| <b>OPEN COUNCIL</b>   | <b>7</b>  |
| <b>ENVIRONMENT &amp; PLANNING DIVISION</b>  | <b>7</b>  |
| o-EP4 Draft Wingecarribee LEP 2009 – Public Submissions on Exhibition .....   | 7         |
| <b>VISITOR ITEM</b>   | <b>8</b>  |
| <b>GENERAL MANAGER’S REPORT</b>   | <b>8</b>  |
| v-GM1 Proposed Sutherland Park Development.....   | 8         |
| <b>CORPORATE SERVICES DIVISION</b>  | <b>9</b>  |
| v-CS1 Draft Management Plan, Budget and Revenue Policy .....  | 9         |
| <b>OPEN COUNCIL (cont)</b>  | <b>10</b> |
| <b>ENVIRONMENT &amp; PLANNING DIVISION (cont)</b>   | <b>10</b> |
| o-EP1 Development Consents Determined by way of Approval under Delegated Authority .....  | 10        |
| o-EP2 List Of Land Use Applications Received By Council .....   | 11        |
| o-EP3 Joint Regional Planning Panels .....  | 12        |
| o-EP4 Draft Wingecarribee LEP 2009 – Public Submissions on Exhibition .....   | 13        |
| o-EP5 OLSH Development Control Plan .....   | 14        |
| o-EP6 Proposed warehouse at Anzac Parade, Bundanoon .....   | 15        |
| o-EP7 2009/10 Wingecarribee Community Assistance Scheme .....   | 16        |
| <b>CORPORATE SERVICES DIVISION</b>  | <b>17</b> |
| o-CS1 Investments as at 31 May 2009 .....   | 17        |
| o-CS2 Tulip Time 2009 Charity .....   | 17        |
| o-CS3 Request for Donation from Village Sponsors Notre Dame Parish, Cloverdale Western<br>Australia .....                               | 18        |
| o-CS4 Transfer of Lot 8 Section 3 Deposited Plan 2944 Railway Avenue Colo Vale to Colo Vale<br>Community Association Incorporated ..... | 19        |
| o-CS5 Welby Community Hall Management Committee Constitution .....  | 20        |
| o-CS6 Hill Top Community Centre Committee Constitution .....  | 21        |
| o-CS8 The Rating Structure for 2009-2010 Financial Year .....   | 22        |
| <b>QUESTIONS FROM THE PUBLIC</b>  | <b>25</b> |
| <b>TECHNICAL SERVICES DIVISION</b>  | <b>29</b> |
| o-TS1 Proposal for Staff Training in Town Centre Parking Modelling in New Zealand.....  | 29        |
| o-TS2 Robertson Sewerage Scheme – Proposal for Design and Project Management Services<br>Report.....                                    | 30        |
| <b>COMMITTEE REPORTS TABLED</b>   | <b>31</b> |
| c-CR1 Management and Advisory Committee Reports .....   | 31        |
| <b>COMMITTEE REPORTS ATTACHED</b>   | <b>32</b> |
| c-CR2 Finance Sub Committee (Council’s Investments) .....   | 32        |
| c-CR3 Legal Committee .....   | 32        |



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 24 June 2009

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|                                    |   |           |
|------------------------------------|---|-----------|
| c-CR4                              | Minutes of the Environment and Sustainability Committee ..... | 33        |
| c-CR5                              | Rural Fire Service District Liaison Committee .....           | 34        |
| <b>GENERAL BUSINESS</b>            |   | <b>36</b> |
| <b>CORPORATE SERVICES DIVISION</b> |   | <b>39</b> |
| c-CS1                              | Closed Council .....  | 39        |
| c-GM1                              | Tender for the Construction of Amenities at Exeter Park ..... | 41        |
| c-GM2                              | Staff Matter.....   | 42        |

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 24 June 2009

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**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

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### PRAYER

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100/1

The meeting was opened in prayer led by John Wheeler from Truckies for Christ.

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### APOLOGY

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There were no apologies at this meeting.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 24 June 2009

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### CONFIRMATION OF MINUTES

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY,  
10 JUNE 2009

100/1

**MN 246/09**

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

***THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 10 June 2009 MN 205/09 to MN 244/09 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting, it being noted that in relation to Item c-NM2 - 08/2009 – Notice of Motion – Commercial Units and Light Industrial Warehouse at Anzac Parade, Bundanoon, Cllr D Stranger was incorrectly recorded as voting on the Motion but confirming that he was absent from the meeting.***

**PASSED**

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### BUSINESS ARISING

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Nil

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 24 June 2009

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### CONFIRMATION OF MINUTES

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MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY,  
17 JUNE 2009

100/1

**MN 247/09**

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

**THAT** the minutes of the Extraordinary Meeting of Council held on Wednesday, 17 June 2009 MN 245/09, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

**PASSED**

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### BUSINESS ARISING

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Nil

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 24 June 2009

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### DECLARATIONS OF INTEREST

*101/3*

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There were no declarations of interest at this meeting.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 24 June 2009

### MAYORAL MINUTE

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#### MAYORAL MINUTE

#### c-MM1 Investment Recovery Strategy

REF: DCS

2104 (cc 102/5)

Reporting on the need to develop an investment recovery strategy following the collapse of Lehman Brothers Australia (in liquidation).

**MN 248/09**

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

1. **THAT Council consider formulating a recovery strategy to help us build up our invested funds to a level that will allow us to once again systematically provide for future projects in the general fund, water fund and sewerage fund.**
2. **THAT this investment recovery strategy also refine and seek recommendations for future investment procedures by Wingecarribee Shire Council.**

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 24 June 2009

### MAYORAL MINUTE

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### OPEN COUNCIL

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**MN 249/09**

107/10

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

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

**PASSED**

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### **SUSPENSION OF STANDING ORDERS**

100/1

The Mayor Clr T D Gair requested that standing orders be suspended to allow Item o-EP4 - Draft Wingecarribee LEP 2009 – Public Submissions on Exhibition, to be heard at this juncture of the meeting as it is an extremely important matter for the Council to consider.

**MN 250/09**

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

**THAT standing orders be suspended to allow Item o-EP4 - Draft Wingecarribee LEP 2009 – Public Submissions on Exhibition, to be considered at this juncture.**

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### MAYORAL MINUTE

#### OPEN COUNCIL

#### ENVIRONMENT & PLANNING DIVISION

#### o-EP4 Draft Wingecarribee LEP 2009 – Public Submissions on Exhibition

REF: SPM

5900

The purpose of this report is to provide Council with details of the public consultations and submissions in relation to the re-exhibition of the Draft Wingecarribee LEP as Draft Wingecarribee LEP 2009.

Clr P B Tuddenham retired from the Chamber at this juncture and did not return for the remainder of the meeting.

It was noted that Table 6 Bowral related issues, Table 7 Bundanoon related issues and Table 8 Exeter related issues were inadvertently omitted from the report and the Tables have been circulated to Councillors separately prior to the Meeting.

#### **OC 76/09**

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

**THAT consideration of this matter be deferred to the Ordinary Meeting of Council to be held on Wednesday, 8 July 2009 to enable further consideration of the LEP AND THAT the matter be considered at an Information Session (full day) to be held on Wednesday, 1 July 2009.**

#### **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 | A   |         |
| Clr L A C Whipper |     | X       |



**VISITOR ITEM**

**GENERAL MANAGER'S REPORT**

**v-GM1 Proposed Sutherland Park Development**

REF: EDO

107/24, 1600

Seeking Council endorsement to engage with Crighton Properties to facilitate early consideration by Council of a proposition to develop Sutherland Park into a significant housing, education, home employment and community parkland precinct.

Council's Economic Development Officer, Mr Carl Pemberton addressed Council on this matter.

**OC 77/09**

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

THAT Council convene a further Information Session, as soon as possible, to allow for further consideration of this matter.

**AMENDMENT** moved by Clr K Halstead and seconded by Clr J G Arkwright:

**THAT** Council support the engagement between Council officers and representatives of the project with the view to giving consideration to commencing the LEP gateway process with the NSW Department of Planning for the subject site.

**PASSED**

**AMENDMENT BECAME THE MOTION**

**MOTION 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.

| <b>Councillor</b> | <b>For</b> | <b>Against</b> |
|-------------------|------------|----------------|
| 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 | A          |                |
| Clr L A C Whipper |            | x              |



**CORPORATE SERVICES DIVISION**

|              |   |
|--------------|---|
| <b>v-CS1</b> | <b>Draft Management Plan, Budget and Revenue Policy</b> |
|--------------|---|

|      |     |                     |
|------|-----|---------------------|
| REF: | FSM | 501/2009, 2120/2009 |
|------|-----|---------------------|

Submitting a report on Council's Draft Budget/Management Plan and Revenue Policy for 2009/12.

It was noted that the summary of amendments to the 2009/10 Draft Fees and Charges (Attachment 1) which was inadvertently omitted from the report was distributed to Councillors prior to the Meeting and should replace 2009/2010 Fees and Charges Index (Attachment 1).

Clr J R Clark advised Council that he had received a letter from Climate Action Now! Wingecarribee (CANWin) dated 9 June 2009 and tabled the letter at the Meeting.

**OC 78/09**

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

1. **THAT Council considers the submission on the draft Management Plan, Budget and Revenue Policy.**
2. **THAT an appropriate response be forwarded to the person making the submission.**
3. **THAT the draft 2009/2012 Budget/Management Plan and Revenue Policy be adopted, with the inclusion of the following items:**
  - (a) **\$10,000 donation towards the CTC Training Centre at Robertson/**
  - (b) **\$58,000 for Property Insurance increase in premium.**
  - (c) **\$4,500 be provided for additional costs associated with the provision of internet access for Councillors.**
  - (d) **\$4,000 be provided for the development of a Community Safety and Crime Prevention Plan.**
4. **THAT the amendments, as detailed in Attachment 1 of the draft Fees and Charges (distributed to Councillors prior to the meeting), be adopted in the 2009/10 Revenue Policy.**

**PASSED**

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

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**OPEN COUNCIL (CONT)**

**ENVIRONMENT & PLANNING DIVISION (CONT)**

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

REF: DCM

5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 1/6/09 and 15/6/09.

**OC 79/09**

The Committee on a **MOTION** moved by Clr J R Clark and seconded by Clr T D Gair  
**RECOMMENDED:**

**THAT the information relating to Development Consent Nos 1-11 under Delegated Authority be received and noted.**

**PASSED**

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**Matters Arising from Development Consents Determined by way of Approval Under Delegated Authority**

1. LOT 6 DP 737470, LOT 307 DP 751252 BELLE CHEVAL, MYRA VALE ROAD, ROBERTSON LUA09/0248

Clr K Halstead referred to Item 10, noting this matter had recently been subject to Land & Environment Court proceedings, and asked for some information in relation to this approval.

The Director Environment & Planning advised that the matter has been dealt with by Council with relocation to a more suitable site.

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

REF: DCM

5302

Submitting list of development applications which have been received between 1/6/09 and 15/6/09, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

**OC 80/09**

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

***THAT the information regarding the List of Land Use Applications Nos 1-9 received by Council be received and noted.***

**PASSED**

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

1. LOT F DP 399071, 11 HODDLE STREET, BURRAWANG LUA09/0489

Clr J G Arkwright asked for clarification of Item No 2 for the extension of existing operating hours for property at 11 Hoddle Street, Burrawang.

The Director Environment & Planning advised that details will be supplied in the Weekly Circular.

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**o-EP3 Joint Regional Planning Panels**

REF: DEP

5300

Reporting on Council nominees for the soon to commence Joint Regional Planning Panels.

**OC 81/09**

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

1. **THAT Council put forward a second nominee, being Clr D Stranger, to represent it on the Joint Regional Planning Panel for an initial three (3) month period AND THAT the information be forwarded to the Department of Planning.**
2. **THAT Council advise the Department of Planning that it is awaiting the outcome of advice from the Local Government Association AND THAT Council advise the Local Government Association of its support for the Association's position and seek further advice on the matter.**

**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.

| <b>Councillor</b> | <b>For</b> | <b>Against</b> |
|-------------------|------------|----------------|
| 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 | A          |                |
| 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, 24 June 2009  
**REPORT OF DIRECTOR ENVIRONMENT & PLANNING**

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|--------------|--|
| <b>o-EP4</b> | <b>Draft Wingecarribee LEP 2009 – Public Submissions on Exhibition</b> |
|--------------|--|

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|------|-----|------|
| REF: | SPM | 5900 |
|------|-----|------|

This matter was considered by Council earlier in the meeting (*refer OC 76/09*).

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**o-EP5 OLSH Development Control Plan**

REF: DEP

5700/62

Reporting on a letter received from the Minister for Planning, requesting that Council either revoke or amends the current Development Control Plan that was prepared to assist Council in assessing any proposals for seniors living developments on the OLSH site, Bowral.

**OC 82/09**

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

1. **THAT Council acknowledge receipt of the undated letter from the Minister.**
2. **THAT Council reject outright the Minister's request to amend or revoke DCP No 62.**
3. **THAT Council continue with its proposition to ensure that the land is not zoned for seniors living in the DCP.**
4. **THAT Council seek an opinion from its legal adviser with respect to taking Court action against the Minister with regard to its processes.**

**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.

| <b>Councillor</b> | <b>For</b> | <b>Against</b> |
|-------------------|------------|----------------|
| 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 | A          |                |
| Clr L A C Whipper | X          |                |

**o-EP6 Proposed warehouse at Anzac Parade, Bundanoon**

REF: DEP

LUA08/1280

Reporting on LUA08/1280, being a proposed commercial/retail and light industrial warehouse at Anzac Parade, Bundanoon.

**OC 83/09**

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

**THAT Council would look favourably upon the proposed commercial/retail and light industrial warehouse development at Anzac Parade, Bundanoon, with a view to issuing a Development Consent, but subject to Council receiving amended plans incorporating those matters which had been discussed at the meeting held on Friday, 19 June 2009 including the following:**

1. ***Reduction in size of the industrial building***
2. ***Setback from the boundary to be 2 metres***
3. ***Façade of the shops to be addressed in keeping with the heritage of Bundanoon***
4. ***The materials to be used to be in keeping with the DCP and the heritage issues of Bundanoon***
5. ***Movement of trucks within the development to comply with the relevant Australian Standards***

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

**THAT** Council give approval for a delegation of Council to meet with the Applicant and residents of Bundanoon to conduct meaningful discussions to seek a resolution to the matter **AND THAT** the outcome of that meeting come back to Council for consideration.

**AMENDMENT LOST**

**MOTION 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.

| <b>Councillor</b> | <b>For</b> | <b>Against</b> |
|-------------------|------------|----------------|
| 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 | A          |                |
| Clr L A C Whipper |            | X              |



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**CHAIRPERSON**

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At this juncture, the time being 5.28 pm, the Mayor, Clr T D Gair, resumed the Chair to conduct the remainder of Council Business.

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| <b>o-EP7</b> | <b>2009/10 Wingecarribee Community Assistance Scheme</b> |
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| REF: | SPM |
|------|-----|

|           |
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| 1870/2009 |
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Submitting for Council's consideration the final recommendations for financial assistance by the Community Assistance Working Group under the 2009/10 Community Assistance Scheme.

***MN 251/09***

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

- THAT Council adopts the recommendations of the 2009/10 Community Assistance Scheme Working Group as detailed in Attachment 1 circulated under separate cover.***
- THAT successful applicants be invited to attend a formal presentation to receive Certificates of Entitlement AND THAT this presentation ceremony be conducted during Local Government Week proposed for Wednesday 5 August 2009 commencing at 5.30pm in the Civic Centre Theatre.***
- THAT correspondence be forwarded to the unsuccessful applicants regrettably advising them of the outcome.***
- THAT implementation and funding of an online grants system be further investigated with a view to running a pilot of an online system in the 2010/11 funding round.***

***PASSED***

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**CORPORATE SERVICES DIVISION**

**o-CS1 Investments as at 31 May 2009**

REF: FSM 2104

Submitting details of Council's Investments as at 31 May 2009.

**MN 252 /09**

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

**THAT** the information on Council's Investments as at 31 May 2009 be received and noted.

**PASSED**

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**o-CS2 Tulip Time 2009 Charity**

REF: DCS 1671/8

Reporting on Tulip Time local and national charity support for 2009.

**MN 253/09**

**MOTION** moved by Clr K Halstead and seconded by Clr D Stranger:

1. **THAT** Council endorse Tulip Time supporting Westmead Kidney Research Centre at Westmead Children's Hospital **AND THAT** additional funds raised during Tulip Time be used to provide assistance with the refurbishment of Bowral and District Hospital Children's Ward in conjunction with fundraising conducted by Berrima District Credit Union.
2. **THAT** Council adopt the proposed budget for 2009 Tulip Time Festival.

**PASSED**

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At this juncture, the time being 5.34 pm, Clr J G Arkwright left the meeting.



**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

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**REPORT OF THE DIRECTOR CORPORATE SERVICES**

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**o-CS3 Request for Donation from Village Sponsors Notre Dame Parish, Cloverdale  
Western Australia**

REF: MAS

600/27

Reporting on request for a \$2,000 donation from Mr Peter Snell, Project Coordinator, Lautem Village Sponsors for Lautem Village in Timor Leste.

***MN 254/09***

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

***THAT Council donates \$2,000 to Village Sponsors, Notre Dame Parish, Cloverdale, Western Australia for its project towards the purchase of a 16,000 litre water storage tank in the village of Lautem, Timor Leste.***

***PASSED***

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

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**REPORT OF THE DIRECTOR CORPORATE SERVICES**

**o-CS4 Transfer of Lot 8 Section 3 Deposited Plan 2944 Railway Avenue Colo Vale to Colo Vale Community Association Incorporated**

REF: PO

PN1220100

This report provides Council with the suggested construction of a transaction between Council and the Colo Vale Community Association Incorporated which would best protect Council's and the community's interests in the subject land.

**MN 255/09**

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

1. **THAT Council offer the Colo Vale Community Association the transfer of Lot 8 Section 3 Deposited Plan 2944 at Railway Avenue, Colo Vale for \$1.00 consideration on the following terms and conditions:**
  - (a) **The transfer be subject to a trust under which the Association is the trustee and Council is beneficiary.**
  - (b) **Acknowledgement by the Association that such transfer of land is also subject to the Association:**
    - (i) **maintaining it and keeping the land in good repair;**
    - (ii) **not allowing an encumbrance to be created over the land;**
    - (iii) **not assigning its interest in that land to a third party;**
    - (iv) **effecting and maintaining all relevant insurances; and**
    - (v) **acknowledging that the Association holds that land on trust for Council and that it will not form part of the Association's property on winding up.**
2. **THAT Council require the Colo Vale Community Association Incorporated to amend the terms of its Constitution AND THAT prior to the transfer of the Council Land to the Association, the Association provide in writing evidence of amendment to the Constitution by resolution.**
3. **THAT Council require the Colo Vale Community Association Incorporated to transfer the Council Land and the Association Land to Council upon the Association winding up or ceasing to be incorporated for any reason AND THAT if the Association Land or Council Land cannot be transferred back to Council, Council may acquire those properties compulsorily for \$1.00.**
4. **THAT Council execute and register a public positive covenant upon the title to Lot 8 Section 3 Deposited Plan 2944 at Railway Avenue Colo Vale which provides for the maintenance, insurance and repair of the lands and any structures erected on it.**
5. **THAT the General Manager and Mayor be delegated authority to execute any Deed, Transfer or Real Property Dealing necessary to give effect to the above resolutions.**

**PASSED**

|              |   |
|--------------|---|
| <b>o-CS5</b> | <b>Welby Community Hall Management Committee Constitution</b> |
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|------|----------|
| REF: | DCS, MAS |
|------|----------|

|        |
|--------|
| 7222/1 |
|--------|

Reporting on the review of the Welby Community Hall Management Committee Constitution.

**MN 256/09**

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

1. **THAT** Council adopts the Welby Community Hall Management Committee Constitution incorporating Council's generic constitution adopted on 8 April 2009 and the objectives and membership as adopted by Council 26 May 2004 **AND THAT** Council adopts the change in Item 3.3.14 of the constitution to read "a quorum will comprise a half plus one of the appointed membership."
2. **THAT** the Welby Community Hall Management Committee be notified of Council's determination.

**PASSED**

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At this juncture, Clr J G Arkwright rejoined the meeting.

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| <b>o-CS6 Hill Top Community Centre Committee Constitution</b> |
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| REF: DCS, MAS |
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Reporting on the review of the Hill Top Community Centre Committee Constitution.

**MN 257/09**

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

1. **THAT Council adopts the Hill Top Community Centre Committee Constitution incorporating Council's generic constitution adopted on 8 April 2009 and the following changes:**
  - (a) **The Committee will now be known as the Hill Top Community Centre Committee.**
  - (b) **The Committee will comprise up to six (6) members including representatives of user groups of the centre and community representatives.**
  - (c) **Item 3.3.14 Fifty percent (50%) of the appointed membership will comprise a quorum. A quorum must be present within fifteen minutes of the nominated commencement time.**
  
2. **THAT the Hill Top Community Centre Committee be notified of Council's determination.**

**PASSED**

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**o-CS8 The Rating Structure for 2009-2010 Financial Year**

REF: FSM 2210, 2210/5, 2210/6, 2210/8, 2210/9

Submitting a report on the implementation of a rating structure to be applied for the 2009/2010 financial year.

**MN 258/09**

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

1. **THAT** Council set its general rates for 2009-2010 in accordance with the special percentage variation approved by the Minister for Local Government under S.508(A) of the Local Government Act, 1993.
2. **THAT** the ad valorem's and minimum rates be set for Residential, Farmland, Business and Mining categories to maintain the percentage yield from each of these rating categories at the same level as were levied in 2008/2009.
3. **THAT** Council make the following rates in the dollar, minimum rates and base rates for the 2009-2010 financial year:
  - (i) An ordinary rate zero point zero zero three zero four five (0.003045) cents in the dollar, subject to a minimum rate in accordance with Section 548 of the Act, of five hundred and ninety eight dollars and sixty seven cents (\$598.67) per assessment on all rateable land categorised as residential sub category ordinary in accordance with Section 516 of the Local Government Act, 1993 be now made for the period 1 July, 2009 to 30 June, 2010 and in accordance with Section 543(1) of the said Act, this rate will be Residential – Ordinary.
  - (ii) An ordinary rate zero point zero zero three three four six (0.003346) cents in the dollar, subject to a minimum rate in accordance with Section 548 of the Act, of five hundred and ninety eight dollars and sixty seven cents (\$598.67) per assessment on all rateable land categorised as residential sub category Renwick in accordance with Section 516 of the Local Government Act, 1993 be now made for the period 1 July, 2009 to 30 June, 2010 and in accordance with Section 543(1) of the said Act, this rate will be Residential - Renwick.
  - (iii) An ordinary rate zero point zero zero one seven four six (0.001746) cents in the dollar, subject to a minimum rate in accordance with Section 548 of the Act, eight hundred and seventy four dollars and eighty five cents (\$874.85) per assessment on all rateable land categorised as farmland in accordance with Section 515 of the Local Government Act, 1993 be now made for the period 1 July, 2009 to 30 June, 2010 and in accordance with Section 543(1) of the said Act, this rate will be Farmland.

- (iv) *An ordinary rate zero point zero zero five six zero five (0.005605) cents in the dollar, subject to a minimum rate in accordance with Section 548 of the Act, of five hundred and ninety eight dollars and sixty seven cents (\$598.67) per assessment on all rateable land used or zoned for professional, commercial trade or industrial purposed and categorised as business, sub category ordinary in accordance with Section 529(1) of the Local Government Act, 1993 be now made for the period 1 July, 2009 to 30 June, 2010 and in accordance with Section 543(1) of the said Act, this rate will be Business - Ordinary.*
- (v) *An ordinary rate zero point zero zero one nine zero zero (0.001900) cents in the dollar, subject to a minimum rate in accordance with Section 548 of the Act, of five hundred and ninety eight dollars and sixty seven cents (\$598.67) per assessment on all rateable land categorised as business, sub category inactive in accordance with Section 529(1) of the Local Government Act, 1993 be now made for the period 1 July, 2009 to 30 June, 2010 and in accordance with Section 543(1) of the said Act, this rate will be Business - Inactive.*
- (vi) *An ordinary rate zero point zero one one eight zero (0.01180) cents in the dollar, subject to a minimum rate in accordance with Section 548 of the Act, of five hundred and ninety eight dollars and sixty seven cents (\$598.67) per assessment on all rateable land categorised as mining sub category Ordinary in accordance with Section 517 of the Local Government Act, 1993 be now made for the period 1 July, 2009 to 30 June, 2010 and in accordance with Section 543(1) of the said Act, this rate will be Mining Ordinary.*
- (vii) *An ordinary rate zero point zero zero zero nine three (0.00093) cents in the dollar, and not subject to a minimum rate, on all rateable land categorised as mining sub category coal rights only in accordance with Section 517 of the Local Government Act, 1993 be now made for the period 1 July, 2009 to 30 June, 2010 and in accordance with Section 543(1) of the said Act, this rate will be Mining-Coal Rights.*
- (viii) *A special rate of zero point zero zero zero zero five three four five (0.00005345) cents in the dollar subject to a base rate in accordance with Section 537 of the Local Government Act, 1993 of eighteen dollars and fifty cents (\$18.50) (which equates to 50% of the total special rate) per assessment on all rateable land for all rating categories in accordance with Section 495 of the Local Government Act, 1993 be now made for the period 1 July 2009 to 30 June 2010, this special rate will be Wingecarribee Our Future Environment Special Rate.*
4. **THAT Council make and levy an annual charge for domestic waste management services in accordance with Section 496 of the Local Government Act, 1993 for the 2009/2010 financial year as follows:**
- (i) *Two hundred and seventy six dollars for a weekly domestic waste service.*
- (ii) *Two hundred and twenty seven dollars for a fortnightly domestic waste service.*
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*(iii) One hundred and thirty nine dollars for an additional domestic waste service.*

*(iv) Nineteen dollars for vacant land.*

5. **THAT Council make and levy an annual charge for stormwater management services in accordance with Section 496A (1) of the Local Government Act, 1993 for the 2009/2010 financial year as follows:**

*(i) Twenty five dollars for each residential property.*

*(ii) Twelve dollars and fifty cents for each residential strata unit*

*(iii) Twenty five dollars for each 350m<sup>2</sup> or part thereof up to a maximum of two hundred and fifty dollars for each business property.*

*(iv) Twenty five dollars for each 350m<sup>2</sup> or part thereof divided by the number of units within the strata for each business strata unit.*

**PASSED**

Dissenting Vote - Clr J Mauger requested that his dissenting vote be recorded in respect of this item.

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**QUESTIONS FROM THE PUBLIC**

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1. PROPOSED WAREHOUSE AT ANZAC PARADE, BUNDANOON LUA08/1280

Ms Christine Miller from Bundanoon asked how the vote today could be based on all Councillors being fully and equally informed of decisions when the meeting with the applicant on Friday, 19 June 2009, was not attended by all Councillors. Ms Miller stated that in a hearing in the Land & Environment Court the meeting on Friday would have no status because there were no records that were agreed to by those in attendance and asked how is it the basis of a Council motion?

The Mayor Clr T D Gair advised that the meeting on Friday was held in “good faith” and all Councillors who were present at the meeting had the right to respond. However, Clr Gair pointed out that mediation is held with a number of people from either side and that not all Councillors would have been present in any event.

Clr G McLaughlin advised that the meeting on Friday was not a full Council meeting but was between two parties and was convened and held at Council. There were four (4) Councillors present at the meeting. Clr McLaughlin stated that, on the advice of the Mayor, the Director Environment & Planning was present to advise on matters, that there was no agenda set and no minutes were taken.

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2. PROPOSED WAREHOUSE AT ANZAC PARADE, BUNDANOON LUA08/1280

Ms Jan Shier of Bundanoon asked if the applicant has complied with the Council's request/requirement that she inform Council as to the purpose of the proposed warehouse development prior to a decision being made re the approval or refusal?

The Director Environment & Planning advised “No”.

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3. PROPOSED WAREHOUSE AT ANZAC PARADE, BUNDANOON LUA08/1280

Ms Jan Shier asked why the Mayor allowed a meeting to occur that was not in terms of due process and did not recommend that minutes be taken, noting that the role of the members of residents of Bundanoon who were in attendance have been unable to give any feedback about what occurred at that meeting?

The Mayor Clr T D Gair responded that he did advise Clr McLaughlin prior to the meeting to ensure that senior Council staff were present at the meeting which was very important to ensure that the staff could verify both sides of the meeting. The Mayor reiterated that the meeting was held, as Clr McLaughlin had advised earlier, “in good faith” and it was held in an attempt to reach a compromise with the parties involved. He advised the parties involved were not speaking for the rest of the community but were taking the view of the community and it was then up to Council to determine the position that was taken at that meeting. The Mayor stated that Clr McLaughlin did a good job in convening and holding the meeting and that if Council can improve on that, then it is probably beneficial to the community long term.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 24 June 2009

### QUESTIONS FROM THE PUBLIC

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Clr K Halstead advised that he took exception to anyone suggesting that there was not due process. He advised that the meeting was a mediation process and the due process was when the matter came back before the Council today. Clr Halstead stated that the meeting was held with the approval of the Mayor and that there was no problem with due process whatsoever.

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4. PROPOSED WAREHOUSE AT ANZAC PARADE, BUNDANOON LUA08/1280

Ms Jan Schier asked if Council could develop a mediation process in the future that ensures an accredited mediator convenes any such meetings similar to the one that occurred last Friday.

The Mayor Clr T D Gair responded that Council could resolve that way but he advised that the use of mediators is a very costly business and it was his opinion that Council would not use mediators on every occasion.

Clr L A C Whipper advised that there are professionally trained mediators available who do mediations in a very impartial way, through the Community Justice Centre which does not cost anything, so that mediation is not always an expensive proposition and that perhaps Council could implement a policy for matters that were deemed appropriate to go to mediation. Clr Whipper stated that it does not have to incur cost but when Solicitors are involved it can become costly.

The Mayor advised that as the issue has been raised, Council will investigate the matter further.

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5. PROPOSED WAREHOUSE AT ANZAC PARADE, BUNDANOON LUA08/1280

Mr Peter Smyth directed a question to Clr J R Clark through the Mayor, noting that Clr Clark had mentioned during the debate that the developer had not outlined the use for the proposed industrial building, and asked:

- (i) Is not that the fact that in the permitted and prohibited uses tables under both the current LEP and the draft LEP a certain amount of uses would be permissible?
- (ii) If Council endorses your view on this, will it send a message to the developers that the tenant or inhabitant must be both found and declared before any building commences?

Clr J R Clark responded that the intent of the report was to see what uses the applicant had in mind for the proposed industrial unit and, as that was a major concern in Bundanoon, Clr Clark advised that it was a legitimate question to be asking the applicant.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 24 June 2009

### QUESTIONS FROM THE PUBLIC

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6. PROPOSED WAREHOUSE AT ANZAC PARADE, BUNDANOON LUA08/1280

Mr Peter Smyth asked if it would be necessary for a business approval to be lodged before something could be used within that building that would come back to Council?

The Director Environment & Planning advised that it is quite often the case that Council receives applications for “generic” floor space.

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7. DRAFT WINGECARRIBEE LEP 2009 5900

Mr Barry Anstee asked for permission to address the Information Session on the draft LEP on Wednesday, 1 July 2009 for a maximum of 10 minutes in respect of two properties which were reported to Council in the 2007 submissions but which have not been reported on to Council in respect of the 2009 submissions. Mr Anstee advised that the two properties are significant hotel-tourism developments of regional significance which have, on completion, the potential for 500 permanent full-time jobs and that an information sessions was presented to Council on 23 January 2008. Mr Anstee stated that he felt it was important that Council be given this outline now as it is evident these developments will be determined by the Regional Planning Panel and Council may feel inclined to include provisions in respect of the properties in the draft LEP 2009.

The Mayor Clr T D Gair advised that Mr Anstee had the right to make a submission but denied him the availability to attend the Information Session.

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8. OPEN AND TRANSPARENT COUNCIL 107/10

Mr Ian Scandrett from Moss Vale stated that he has a view that Council should be more open and transparent. He stated that the Community Independents ran at the last Council election on an open and transparent platform including web casting, community radio broadcasting, and asked if the Mayor recalled that platform from community meetings that were held last year that included web casting, putting the whole process on the web including DA's and the like.

The Mayor Clr T D Gair advised that he did recall it, to a degree, but it was not his platform.

Mr Scandrett asked if the Mayor was aware that there were many “packages” that are easily available, costing \$60,000 to \$100,000, and that a number of Councils are using those packages?

The Mayor advised that he was aware of these packages but they are expensive to introduce.

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The General Manager advised that there is a constant challenge for every Council to introduce openness and transparency. He stated that there are great issues of bandwidth capability and compatibility, but that a project is being looked at to get certain parts of Council's processes available to be addressed on line and that Council is striving to achieve greater performance in those areas. The General Manager gave an example of Wollongong City Council which spent in excess of \$1 million but they still have not achieved compatibility and you still have to go into Council to inspect a hard copy of the DA. The General Manager stated that it is a very challenging task and it is not just spending \$80,000 to \$100,000 which is still a very significant cost.

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9. PARKING AND TRAFFIC SOFTWARE

5701/1

Mr Ian Scandrett noted that point 1 in Item o-TS1 on page 190 of the Agenda states "this is to model and evaluate the impact of introduction of paid parking" and asked:

- (i) Where did this mandate to investigate paid parking come from?
- (ii) Was this specifically advertised in the new Parking Strategy & Developer Contributions Plan and when was that?

The General Manager advised that it is not Council's intention to introduce paid parking but that suggestions are always coming forward that one of the options to handle congestion and to change transport modes is to do things like this, so Council needs to have a person who is qualified to use the software that Council has in-house to evaluate suggestions and see whether they are worthwhile and to see if Council wants to progress down that path. He stated that, as Mr Scandrett would probably be aware, many Council areas around the State, and in Victoria, in and out of major cities have decided to go down the path of paid parking. The General Manager further stated that he is not aware that Council has taken a position that they want to go down that path.

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10. TENDER FOR THE CONSTRUCTION OF AMENITIES AT EXETER PARK

6330/09.7

Mrs Pam Cooper stated that she understood that the quotes for the Exeter Park Amenities Block, which is on page 221 of the Agenda for Closed Council, are "unacceptable" and asked that if this is so, can the matter be deferred until new quotes are submitted?

The Mayor Clr T D Gair advised that Council will discuss the options that are available in relation to the quotations, but as for deferring, Council has not made a determination that way.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 24 June 2009

### REPORT OF THE DIRECTOR TECHNICAL SERVICES

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#### TECHNICAL SERVICES DIVISION

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| <b>o-TS1</b> | <b>Proposal for Staff Training in Town Centre Parking Modelling in New Zealand</b> |
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| REF: | DPM |
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| 5701/1 |
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Reporting on the need to train Council's Design Engineer, to enable the in-house evaluation of parking management and supply options in the Shire's Town Centres using Council's Shire Wide TRACKS Computer Model in Christchurch, New Zealand.

**MN 259/09**

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

1. **THAT Council endorse the proposal to allow Council's Design Engineer to attend a 3 day intensive TRACKS Parking Modelling training at Gabites Porter P/L offices, New Zealand to enable the development of the new Developer Contributions Plan parking facilities component at a cost of \$4,000 to be funded from existing developer funds.**
2. **THAT Council reiterate that it has no intention of introducing paid parking.**

**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, 24 June 2009

**REPORT OF THE DIRECTOR TECHNICAL SERVICES**

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| <b>o-TS2</b> | <b>Robertson Sewerage Scheme – Proposal for Design and Project Management Services Report</b> |
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| REF: | SPC |
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Reporting on a proposal received from Department of Commerce for the provision of Design and Project Management Services for the Robertson Sewerage Scheme.

***MN 260/09***

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

- THAT Council accept the proposal of NSW Department of Commerce (Office of Public Works & Services) for the provision of Design and Project Management Services for the Robertson Sewerage Scheme for a fee of \$864,104.00 (excluding GST).***
- THAT Council note that tenders are not required for this contract under Section 55 (part 3) of the Local Government Act.***

***PASSED***

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**COMMITTEE REPORTS TABLED**

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| <b>c-CR1</b> | <b>Management and Advisory Committee Reports</b> |
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| REF: | DCS | 107/1 |
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Submitting minutes of two (2) Committee meetings that will be tabled for information.

**MN 261/09**

**MOTION** moved by Clr J R Clark and seconded by Clr J Mauger:

**THAT** the information contained in the following Committee Report be noted:

1. **Lake Alexandra Reserve Management Committee held on Tuesday 3 March 2009.**
2. **Mittagong Memorial Hall Management Committee held on Thursday 7 May 2009.**
3. **Water & Sewerage Advisory Committee held on Friday 29 May 2009.**

**PASSED**

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**COMMITTEE REPORTS ATTACHED**

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| <b>c-CR2</b> | <b>Finance Sub Committee (Council's Investments)</b> |        |
| REF          | DCS  | 107/22 |

Submitting minutes of the Finance Sub Committee (Council's Investments) meeting held on Friday, 12 June 2009.

***MN 262/09***

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

***THAT the minutes of the Finance Sub Committee meeting held on Friday 12 June 2009 be noted and the agreed action endorsed.***

***PASSED***

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| <b>c-CR3</b> | <b>Legal Committee</b> |        |
| REF:         | DEP                    | 107/22 |

Submitting minutes of the Legal Committee meeting held on Wednesday, 10 June 2009.

***MN 263/09***

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

***THAT the recommendations as detailed in the minutes of the Legal Committee meeting held Wednesday, 10 June 2009 be adopted.***

***PASSED***

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| <b>c-CR4</b> | <b>Minutes of the Environment and Sustainability Committee</b> |
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| REF: | NRC | 5465/29.01 |
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Submitting minutes of the Environment and Sustainability Committee held on Wednesday, 20 May 2009.

**MN 264/09**

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

**THAT** the recommendations as detailed in the minutes of the Environment and Sustainability Committee held on Wednesday, 20 May 2009 be adopted with the exception of Item 6 – Bundanoon a Bottle Free Town (Recommendation 16 on page 214).

**PASSED**

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1. **ITEM 6, RECOMMENDATION 16 – BUNDANOON A BOTTLE FREE TOWN**

Clr J R Clark referred to Item 6 – Bundanoon a Bottle Free Town and noted that the minutes should correctly state “Bundanoon to become a bottled water free town”. Clr Clark also requested that that the proposed information session be held as soon as possible and that Huw Kingston be invited to the Information Session.

**MN 265/09**

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

**THAT** Council commend the proposal for Bundanoon to become a bottled water free town **AND THAT** an invitation be forwarded to Huw Kingston from Wild Horizons to speak further on the proposal at an information session of Council to be held as soon as possible.

**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, 24 June 2009  
**COMMITTEE REPORTS**

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| <b>c-CR5</b> | <b>Rural Fire Service District Liaison Committee</b> |
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| REF: | GM |
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| 6433/5 |
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Submitting minutes of the Rural Fire Service District Liaison Committee meeting held on Monday, 11 May 2009.

***MN 266/09***

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

***THAT the recommendations as detailed in the minutes of the Rural Fire Service District Liaison Committee meeting held Monday, 11 May 2009 be adopted.***

***PASSED***

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**MATTER OF URGENCY**

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1. LEHMAN BROTHERS AUSTRALIA 107/9, 2104

The Mayor, Clr T D Gair requested that the matter of Lehman Brothers, following the outcome of the information session held earlier in the afternoon, be considered at this juncture and be treated as a matter of urgency.

***MN 267/09***

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

***THAT the matter of Lehman Brothers Australia be considered as a matter of urgency.***

***PASSED***

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The Mayor ruled that this is a matter of urgency.

It was noted that, in response to a question from Council, the Director Corporate Services advised that the \$30,000 cap could be exceeded if the legal action was unsuccessful and 'adverse cost orders' were made, and FURTHER that the estimated contribution for legal fees did not provide for likely additional costs if the matter went to appeal.

***MN 268/09***

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

1. ***THAT Council confirm that the independent advice requested regarding matters raised by Piper Alderman in an email received at 5.05 pm on Wednesday, 17 June 2009, has been received and considered.***
2. ***THAT after considering the additional advice, Council confirm that immediate action be taken to sign a retainer to engage Johnson, Winter & Slattery AND join the legal action being taken by other CDO Note Holders in the United Kingdom, seeking orders from the Court directing the Bank of New York Mellon (The Trustee of Dante Series CDO's), to distribute the collateral from the Dante Series CDO's to the Note Holders in accordance with their directions.***
3. ***THAT recommendation two (2) above be subject to Council's commitment for this matter being capped at \$30,000 for the initial action.***

***PASSED***

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**GENERAL BUSINESS**

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1. LOCAL GOVERNMENT PLANNING & ENVIRONMENTAL LAW CONFERENCE 101/4.2

Clr D Stranger noted that on Friday, 17 July 2009 there is a Local Government Planning & Environmental Law Conference to be held at the Casula Powerhouse Art Centre with a number of notable speakers and a session on the Joint Planning Panels, and he sought Council's permission to attend this Conference on behalf of Council.

**MN 269/09**

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

**THAT Council grant permission for *Clr D Stranger* to attend the Local Government Planning & Environmental Law Conference to be held on Friday, 17 July 2009 at the Casula Powerhouse Art Centre as Council's representative AND THAT *Clr Stranger's* costs associated with such attendance be paid by Council.**

**PASSED**

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2. TUGALONG STATION PN1006600, PN1519200

Clr D Stranger referred to a letter that he had received from Daniel Pearson from Tugalong Station where he referred to a letter he had sent to Council dated 16 April 2009 requesting an opportunity to meet with Council to enable him to put his case with greater clarity but that, to date, he has not received a response or been given the opportunity of putting his case further. Clr Stranger asked for some clarification and if Council can do anything to address the matter.

The Director Environment & Planning provided a history of this matter to Council and advised that the matter will be put on the Agenda for the next Legal Committee meeting to be held on Wednesday, 8 July 2009.

The Director Environment & Planning advised that the applicant will be invited to present his case to the Legal Committee and Council's legal adviser, Mr B Bilinsky, would be in attendance at that meeting.

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3. RESIGNATION OF THE GENERAL MANAGER PERS

Clr J Mauger asked why the Press Release re the General Manager's resignation and asked if the Mayor could provide an explanation as to why an email dated 3.41 pm on Friday, 19 June 2009 was the means of advice of the resignation, yet the press release was delayed until Sunday 21 June.

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The Mayor Clr T D Gair responded that initially it was the concern that the Councillors should be the first ones to be informed of the General Manager's decision. The Mayor advised that he had attempted to contact Council's Media Manager on Saturday with a view to having a press release prepared. The Mayor had been unable to contact Mr Goodfellow until Saturday evening and on Sunday, 21 June 2009 the press release was prepared in time for release to the media for publication on Monday, 22 June 2009.

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4. PARKING ON THE ILLAWARRA HIGHWAY OUTSIDE THE OLD CHEESE  
FACTORY AT ROBERTSON 7460/30, 7450

Clr L A C Whipper asked about an issue he raised some time ago about angle parking on the Illawarra Highway outside the Old Cheese Factory at Robertson. Clr Whipper said it was his understanding that the RTA had a policy about this and noted that he had recently had an incident of a car reversing out which could have had serious consequences. He stated that it is a very dangerous situation and noted that the matter had been referred to the Traffic Committee but he does not know the outcome.

The Director Technical Services advised that he will investigate the matter and advise Clr Whipper of the outcome.

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5. LOCAL GOVERNMENT ASSOCIATION CONFERENCE - MOTIONS 204/2009

Clr J R Clark reminded Councillors that the timetable for motions at the Local Government Association Conference closes in early August and that Council should be thinking about any motions that should be put forward to the conference.

The Mayor Clr T D Gair requested Councillors to consider any motions that they consider important for the Conference.

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6. LEAVE OF ABSENCE PERS

Clr G McLaughlin sought leave of absence for the Ordinary Council meeting on Wednesday, 8 July 2009.

***MN 270/09***

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

***THAT leave of absence be granted to Clr G McLaughlin for the Ordinary Council meeting to be held on Wednesday, 8 July 2009.***

***PASSED***

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7. APPOINTMENT BY CLR L A C WHIPPER TO THE SYDNEY CATCHMENT  
AUTHORITY ('SCA') BOARD 5464/2, PERS

Clr G McLaughlin referred to Clr Whipper's appointment to the SCA Board and wished to extend his congratulations on the appointment, noting that there are 15 Councils in the SCA catchment area and that it is a great accolade for this Council to have Clr Whipper on the Board.

The Mayor Clr T D Gair suggested to Clr McLaughlin that it may be appropriate to pass on Council's congratulations and to move a formal recommendation that way.

**MN 271/09**

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

**THAT** Council extend its congratulations to *Clr L A C Whipper* for his appointment to the Sydney Catchment Authority Board.

**PASSED**

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8. HENLEY BRAE RETIREMENT VILLAGE LUA03/1353

Clr G McLaughlin asked about the matter of "Henley Brae" and could they be given the subsidy.

The General Manager responded that there had been an Information Session held on this matter and that there are a number of ramifications, repercussions and precedence issues involved and the State Government is not going to "cave in" on this issue.

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9. LOCAL GOVERNMENT ASSEMBLY AT CANBERRA 203/4

Clr J G Arkwright noted that she, the Mayor Clr T D Gair and the General Manager were delegates to the Local Government Assembly at Canberra from Sunday, 21 to Wednesday, 24 June 2009. Clr Arkwright advised that it was a very interesting convention and that there will be a report and minutes coming from it but asked if a brief and succinct report could be prepared from the delegate's perspective to be presented to Councillors.

The Mayor Clr T D Gair advised that Clr Arkwright had his permission to do so.

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**ACKNOWLEDGMENT – GENERAL MANAGER MR MIKE HYDE**

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The Mayor Clr T D Gair acknowledged the resignation of the General Manager, Mike Hyde and stated that he had enjoyed working with Mr Hyde and had found him to be forthright and direct and that he (Mr Hyde) has kept him briefed on important issues that are happening at Council. The Mayor wished the General Manager "happy packing".

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**CORPORATE SERVICES DIVISION**

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

To consider moving into Closed Council.

At this juncture, the time being 6.47 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 advised members of the public of a Supplementary Report – Staff Matter to be considered in Closed Council.

No objections were received from the members of the public.

The Committee on a **MOTION** moved by Cllr L A C Whipper and seconded by Cllr D Stranger  
**RECOMMENDED:**

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 Briefing on Current Status of Legal Matter WSC v Lehman Brothers Australia:**

**c-GM1 TENDER FOR THE CONSTRUCTION OF AMENITIES AT EXETER PARK**

**Relevant Legal Provision**

***This report is placed in Closed Committee as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business under Clause 10A(2)(c) of the Local Government Act.***

**Brief Description**

***The purpose of the report is for Council to consider tenders received for the construction of a new amenities block at Exeter Park.***

**Public Interest**

***It would be contrary to the public interest to consider this information in Open Council because it contains information which could confer a commercial advantage.***

**c-GM21 STAFF MATTER**

**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 personnel matters in relation to a staff member.*

**Public Interest**

*It would on balance be contrary to the public interest to consider this information in Open Council because of privacy considerations.*

2. **THAT** *the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.*
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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 24 June 2009

### REPORT OF DIRECTOR CORPORATE SERVICES

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| <b>c-GM1 Tender for the Construction of Amenities at Exeter Park</b> |
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| REF: PPM |
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|           |
|-----------|
| 6330/09.7 |
|-----------|

#### Relevant Legal Provision

This report is placed in Closed Committee as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business under Clause 10A(2)(c) of the Local Government Act.

#### Brief Description

The purpose of the report is for Council to consider tenders received for the construction of a new amenities block at Exeter Park.

#### Public Interest

It would be contrary to the public interest to consider this information in Open Council because it contains information which could confer a commercial advantage.

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

**THAT Council declines to accept any of the tenders for the construction of the amenities block at Exeter Park for the reason that all tenders exceed the available budget.**

**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, 24 June 2009

### REPORT OF DIRECTOR CORPORATE SERVICES

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#### SUPPLEMENTARY REPORT

|              |                     |
|--------------|---------------------|
| <b>c-GM2</b> | <b>Staff Matter</b> |
|--------------|---------------------|

|      |    |       |
|------|----|-------|
| REF: | GM | 107/9 |
|------|----|-------|

#### 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 personnel matters in relation to a staff member.

#### Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because of privacy considerations.

The General Manager presented a report to Councillors on this matter.

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

***THAT the information detailed in the report presented to Council be received and noted.***

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 24 June 2009

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### OPEN COUNCIL

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**MN 272/09**

107/10

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

**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 273/09**

107/9

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

**THAT** the recommendations of the Closed Council held on Wednesday, 24 June 2009  
(Items c-GM1 to c-GM2) be adopted.

**PASSED**

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### ADOPTION OF OPEN COUNCIL

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**MN 274/09**

107/10

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

**THAT** the recommendations of the Open Council held on Wednesday, 24 June 2009  
being OC 76/09 to OC 83/09, 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, 24 June 2009

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THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 24 June 2009 numbered M/N 246/09 to M/N 274/09, were signed by me hereunder at the Council Meeting held on Wednesday, 8 July 2009.

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CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 8 JULY 2009

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CHAIRMAN

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PUBLIC OFFICER