

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/09



held on Wednesday, 22 July 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, 22 July 2009

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held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

COMMENCING AT: 3.30 pm

PRESENT: Clr K Halstead (Acting Mayor) in the Chair
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: Acting General Manager, Mr Michael Brearley
Director Corporate Services, Mr Barry Paull
Director Environment & Planning, Mr Scott Lee
Manager Administration Services, Mr Peter Nelson
Administration Officer, Ms Liz Johnson

PRAYER

100/1

The meeting was opened in prayer led by Pastor Ian Salmond of the Church of Christ, Bowral.

APOLOGY

PERS

M/N 307/09

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

THAT the apology of The Mayor Clr T D Gair be accepted and leave of absence granted.

PASSED

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 8 JULY 2009

100/1

MN 308/09

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 8 July 2009 MN 275/09 to MN 306/09 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting, with the exception of the Item Number 6 – Abandoned Vehicles - under General Business on page 51.

PASSED

1. ABANDONED VEHICLES

5509/2

Clr J Mauger raised the issue of how the minutes of this item were recorded and was critical that particular information was not included in the subject matter, particularly the questions asked at the meeting. He advised that he had listened to the recording and believed that important dialogue was excluded.

The following is a transcript of the issue as discussed by Clr Mauger, the General Manager, the Mayor and Clr Halstead at the meeting:

“Clr J Mauger:

“On Friday I received a memorandum which I thought all Councillors would have received. It is somewhat ambiguous in some of the wording in this thing but it relates to abandoned vehicles impounded between February 2005 and 1 June 2009. Now the statement in one place - when I say the ambiguity of it - that all impounded motor vehicles from impound number 40 to 104 have been disposed of by means unknown to Council’s record data base, so that’s 64 cars that there is no record found. It goes on then further all impounded motor vehicles from impound number 130 to 143 have been sold by means of expression of interest for scrap metal, all current impounded motor vehicles from impound number 203 to 247 are stored within Council’s impound yard at Moss Vale. Vehicles subject to sale are currently being finalised for expressions of interest within Council’s advertised notice. In addition to this report an investigation of Council’s finance records in respect to moneys paid to Council to towing contractors have revealed that vehicles being towed by contractors have not been recorded on Council’s impounding log. Now we’ve got fees that were paid for these – so I want some more information. We’ve got some 64 vehicles there that are not and I ask the General Manager have we in fact been paid for them or have we not?”

General Manager:

“Could I ask Clr Mauger to put in writing his request. This is the third enquiry on this area. After the first one you claimed that I had misunderstood what was required. I worked off something in writing – I need it from you in writing so we answer what you want and as I think I stated to you in another forum this whole topic is the subject of ongoing investigations by other authorities.”

Clr Mauger:

“Well I will still ask these questions that I’ve got to ask here. How were you made aware of this matter – can you tell me that?”

General Manager

“Through ICAC investigations Clr Mauger.”

Clr Mauger:

“Well during the course of your investigations were you made aware of any other vehicles other than these ones that are included here that have just disappeared?”

General Manager:

“Until I see what you’ve got there and what else you believe I’ll have to get that researched and have it looked at but this was the subject of a detailed investigation as I say by other authorities and is still ongoing.”

Clr Mauger:

“Well I am deeply concerned about this matter in as much as it’s a long time and Clr Gair is well aware when the first – and I confided with Clr Gair that I had been given some information that in fact a certain number of cars had disappeared. Now it appears to me by this documentation that it’s at least tens of thousands of dollars that Council has lost – maybe hundreds of thousands of dollars that’s gone on... Now this is a very serious matter and I want to know – well who was made – why weren’t Council made aware of this – it’s been some twelve months since that I would think since that first – certainly it was when Clr Gordon Lewis as Mayor approached you and you were able to tell him – but was any further information. This is a very serious matter that these things have happened and I have had the privilege of seeing some reply in relation to this from ICAC – and I was not – let me state – I was not the person who had it but I have been made privy to that information and further I have been made privy as a result of the accusations that were made against me for going to ICAC that a certain amount of – there is other information that I have become available to – has been made available to me – so I just want ...”

Mayor:

“So what – you have asked three questions – how about handing them up Clr Mauger”.

Clr Mauger

“I haven’t written them yet.”

Mayor:

“Right, so they can be handed up and Mr Brearley will then have to – if the GM can’t answer them then Mr Brearley will have to.”

Clr Mauger:

“I would – sorry wrong document here. I will get the document there – because as the General Manager is leaving this Friday I would like to have an answer prior to that.”



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Mayor:

“OK – well – “

General Manager:

“Can I ask why does it matter when I am leaving. It’s not a personal matter and if you believe – am I getting a drift here that you think I have been corrupt or something or ?”

Clr Mauger:

“I am not saying not at all that you are being corrupt, but the fact is that a serious financial deficit has occurred and Council has not been made – irrespective of whether ICAC is looking at it or who has looked at it, I believe this should have been reported to the Police.”

Mayor:

“Well I think you and I better have a sit down and have a talk. I think you should come and see me with the information that you’ve got – the information that you’ve been shown because unless all the information is put out on the table you can’t answer it because you only have half the information and acquisitions can be made – so I would suggest that you make an appointment – and I won’t be able to do it for two weeks now Clr Mauger because I will not be available.”

General Manager:

“Can I ask Mr Mayor – I think that some this discussion or most of this discussion is quite improper in this forum because I’m getting the feeling that I’m being personally lined up here about accusations of which I have no prior knowledge. I’m simply asking that Clr Mauger put down in writing – get his thoughts together because I do not understand three quarters of what’s been stated to me I must admit. I need to know so that we can respond and get the information. I will mention and I have mentioned it in other forums Clr Mauger that we’ve had a detailed ICAC investigation on a whole range of issues to do with this and other agencies are now investigating and it’s inappropriate for me to say anymore than that in this forum.”

Mayor:

“Look I’m going to have to shut it down – it’s now – we’ve been on this one for quarter of an hour and we just don’t have the time. Clr Halstead.”

Clr Halstead:

“Well I’ll just say that I’m concerned about things along those lines – you can shut me down if I like but I don’t think I won’t be too long but if we’ve got more than 62 cars disappeared for which no records found I just say to you that is a serious acquisition and hopefully what the GM has told us is in fact going on because I wouldn’t like to think it’s just brushed under the carpet somewhere.”

Mayor:

Yes, well – but until - this is more than a five minute question time .- you know it’s longer and if Clr Mauger can try and get the questions to the GM it can be answered well and good but we will just have to leave it Councillors because we have important things to discuss.”

NOTE: It should be indicated that it is not correct meeting procedure to include the full transcript of Councillors discussion/debate raised at Council Meetings.

.....Cont’d



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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.....Cont'd

MN 309/09

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

THAT the issue relating to the recording of General Business Items be referred to the Acting General Manager for consideration at the next Ordinary Meeting of Council on Wednesday, 12 August 2009.

PASSED



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BUSINESS ARISING

Nil

DECLARATIONS OF INTEREST

101/3

There were no declarations of interest at this meeting.

OPEN COUNCIL

MN 310/09

107/10

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

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

PASSED

Clr L A C Whipper acknowledged the traditional custodians of the land on which Council meets and paid his respects to the D'harawal and Gundungurra elders past, present and future.

VISITOR ITEM

v-EP1 Formalising Use Of Berrima Scout Camp By Non-Scouting Groups

REF: DCM

LUA09/0243

Reporting on a Development Application that seeks to formalise the use of the Berrima Scout Camp by non-scouting groups at Lot 2 DP 46916 and Lots 354 & 446 DP 751252 Fountain Street, Berrima.

Mr Keith Walker-Smith President Berrima Residents' Assn Inc addressed Council on behalf the objectors.

The Director Environment & Planning addressed Council on this matter. He advised of an amendment to the report on page 6 wherein the area of the site was miscalculated and should correctly be 2.2 hectares and advised that this then had an impact on the number of camp sites in that the maximum number of camp sites should be 4. He stated that recommendation (ii) on page 10 should therefore read "... a maximum of 4 at any one time."

OC 90/09

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

THAT LUA09/0243 to formalise the use of the Berrima Scout Camp by non-scouting groups at Lot 2 DP 46916 and Lots 354 & 446 DP 751252 Fountain Street, Berrima be approved subject to appropriate conditions of consent to the satisfaction of the Director, Environment & Planning including the following:

- (i) Non-Scouting use of the site – maximum twelve (12) weekends per year.**
- (ii) Camp sites / vans limited to a maximum of four (4) at any one time.**
- (iii) Noise to cease at 10.30pm.**
- (iv) A Register of all guests to be kept and made available to Council upon request.**
- (v) Camping be excluded for a distance of twenty (20) metres from the boundary of the Scout Camp and river reserve.**
- (vi) No unoccupied vans / tents to remain on site for more than twenty four (24) hours.**
- (vii) Appropriate signage (Section 632 of the Local Government Act) be put in place to include the usage of the area.**

PASSED

.....Cont'd



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

.....Cont'd

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	



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 29/5/09 and 13/7/09.

OC 91/09

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

THAT the information relating to Development Consent Nos 1-6 under Delegated Authority be received and noted.

PASSED

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

1. ITEM 5 - SEWERAGE TREATMENT PLANT & RECLAIMED WATER IRRIGATION SCHEME, LOT 1 DP 1077348 SEWERAGE TREATMENT PLANT, KANGALOO ROAD, ROBERTSON LUA08/0296

Clr K Halstead asked for some further information in relation to this item and noted that there was a time limit for negotiations to take place with the landowner. Clr Halstead asked if those time limits have elapsed and, if so, was Council proposing to move on with compulsory acquisition.

The Acting General Manager advised that design and documentation of the project and negotiations with the landowner are continuing and that there is nothing further to report on the negotiations at the moment. He advised that the time period has not elapsed and that a valuation and survey of the land are presently being prepared which will confirm the value of the land.

o-EP2 List Of Land Use Applications Received By Council

REF: DCM

5302

Submitting list of development applications which have been received between 29/6/09 and 13/07/09, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

OC 92/09

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

THAT the information regarding the List of Land Use Applications Nos 1-15 received by Council be received and noted, with the exception of Item 6 – Retail Plant Nursery, Lot C DP 35366, 129 Lackey Road, Moss Vale and Item 10 – Covered dressage arena, Lot 32 DP 869229 “Ditton Hill” Yarrowa Road, Moss Vale.

PASSED

1. ITEM 6 - RETAIL PLANT NURSERY, LOT C DP 35366, 129 LACKEY ROAD, MOSS VALE

LUA09/0559

OC 93/09

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

THAT Item 6 – Retail Plant Nursery, Lot C DP 35366, 129 Lackey Road, Moss Vale, be brought back before Council for consideration and determination.

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	

2. ITEM 10 – COVERED DRESSAGE ARENA – LOT 32 DP 869229 “DITTON HILL”,
YARRAWA ROAD, MOSS VALE LUA09/0598

OC 94/09

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

THAT Item 10 – Covered Dressage Arena, Lot 32, DP 869229 “Ditton Hill”, Yarrawa Road, Moss Vale, be brought back before Council for consideration and determination.

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	

Matters Arising from Development Applications Received by Council

1. ITEM 7 - BOUNDARY ADJUSTMENT, LOT 1-2 DP 879958, LOT 900 DP 1110888,
LOTS 1-2 DP 1110887, “BELLFARM” MAUGERS ROAD, ROBERTSON
LUA09/0584, LUA09/0585

Clr P B Tuddenham asked if this was a major boundary adjustment and requested some further information on this matter.

The Director Environment & Planning advised that this matter will be dealt with under delegated authority but he will provide further information in the Weekly Circular.

2. ITEM 11 – NEW LEARNING CENTRE/LIBRARY, TUDOR HOUSE, ILLAWARRA
HIGHWAY, MOSS VALE LUA09/0562

Clr J R Clark asked for further information in relation to this item.

The Director Environment & Planning advised that he will provide further information in relation to this matter in the Weekly Circular.

o-EP3 Robertson Inn – New Shops and Alterations

REF: DCM

LUA07/0958

Reporting on 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 & Lots 10 and 11 DP 546726 Hoddle Street, Robertson.

-

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

THAT LUA07/0958 for boundary adjustment, demolition of part of the existing structure and erection of eight (8) new shops (two with flats on first floor) at the Robertson Inn, Lot 2, DP 758882 and Lots 10 and 11 DP 546726 Hoddle Street, Robertson, be approved subject to the conditions being approved by the Director Environment & Planning following a discussion of interested Councillors regarding the conditions of approval.

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

Voting on the matter was tied at four (4) all and therefore, in accordance with Council's Code of Meeting Practice the matter is referred to the full Council with the Acting Mayor Clr K Halstead in the Chair for determination (*refer M/N 315/09*).



o-EP4 Earth Mound, Landscaping, Tree Planting & Fencing, Braemar

REF: DCM

LUA 09/0498; PN 694100

This report considers a proposal to create a landscape strip with earth mounding and fencing along the eastern side of the Old Hume Highway at Braemar.

OC 95/09

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

THAT the Director of Environment and Planning be delegated the authority to approve LUA 2009/0498 for an earth mound, tree planting/landscaping and fencing on Lots 1 - 4 DP 1044864 and Lots 2 – 3 DP 607486, Old Hume Highway, Braemar subject to comment/conditions of the Roads and Traffic Authority and the appropriate conditions of consent including the introduction of a suitable mix of native and exotic species consistent with the Mittagong Gateway Tree Planting Strategy.

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	



o-EP5 Proposed 7 lot subdivision, North Street, Robertson

REF: DCM

LUA08/0350

Reporting on the proposed 7 lot subdivision of Lots 120 and 121 DP 751302 North Street Robertson.

OC 96/09

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

THAT LUA08/0350 for proposed 7 lot subdivision of Lots 120 and 121 DP 751302 North Street, Robertson, be approved subject to appropriate conditions of consent to the satisfaction of the Director Environment & Planning including the conditions as generally set out in Attachment 2 circulated under separate cover.

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	



o-EP6	Illawarra Area Assistance Scheme Grant Approvals 2009/2010
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REF:	SPM
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1880/2007

Reporting on Illawarra Area Assistance Scheme grant approvals for 2009-2010.

OC 97/09

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

THAT the Mayor and General Manager be authorised to execute the Area Assistance Scheme Service Agreements for the Aboriginal Cultural Centre Project (Grant Number 9055309) and the Yerrinbool Community Hall Outdoor Project (Grant Number 9054509) under the Common Seal of Council.

PASSED

o-EP7 Voluntary Planning Agreement

REF: SPM

LUA08/0409

This report discusses the applicant's offer to enter into a Voluntary Planning Agreement (VPA), for the payment of a contribution towards car parking at Lot 1 DP 515559, No 45 Bowral Street, Bowral.

OC 98/09

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

1. ***THAT the Voluntary Planning Agreement ('VPA') and LUA08/0409 be placed on public exhibition for a period of twenty eight (28) days.***
2. ***THAT if no submissions are received during the public exhibition period that the Council Seal be stamped on the VPA and that it be signed by the General Manager and Mayor and the Development Application ('DA') be assessed under delegated authority.***
3. ***THAT if submissions are received regarding the VPA and DA during the exhibition period that they both be reported to Council addressing the content of the submissions.***

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	

o-EP8	Parking Restrictions in Empire Cinema Car Park, Bowral
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REF: EHM

5504/1, 7470/6

Submitting a further report on parking restrictions in the Empire Cinema Carpark at Bowral.

OC 99/09

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

THAT in relation to the Parking Restrictions in the "Empire Cinema Car Park" being Lot 7 Section 1 DP 977575, Lot 450 DP 594573, Lot 455 and Lot 454 DP 258059, Lot 457 DP 597627 and Lot 459 DP 596056, the following be adopted:

- (i) **THAT** a three (3) hour parking voucher system, which includes expiry date and time, be implemented by Council for the area known as the Empire Cinema car park.
- (ii) **THAT** the parking vouchers be distributed by the Empire Cinema under set protocols agreed between Council and the Empire Cinema.
- (iii) **THAT** the voucher system be trialled for a six (6) month period.
- (iv) **THAT** signposting be erected advising of the parking voucher system in the area known as the Empire Cinema car park.
- (v) **THAT** the Empire Cinema place an on-screen advertisement prior to each film screened advising patrons of the voucher system.

PASSED



CORPORATE SERVICES DIVISION

o-CS1	Wingecarribee Shire Council Internal Audit Committee
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REF: DCS, FSM, AOE	2102/3; 107/34
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Presenting draft charter of the Finance Committee and Internal Audit Committee of Council, for Council's consideration

The Director Corporate Services advised of a correction to the Finance Committee Charter on Page 47 of Attachment 2 to the report, which should correctly read September, November, February and May.

OC 100/09

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

1. **THAT Council endorse and confirm the Charter for the Internal Audit Committee as presented in Attachment 1 of the report to Council AND THAT the Charter be reviewed within twelve (12) months following feedback from the Committee.**
2. **THAT Council confirm the following Councillors as the Council delegates on the Internal Audit Committee:**
 - i. **Councillor Mayor of the Day - Clr T D Gair**
 - ii. **Councillor J G Arkwright (Chair initially for a twelve (12) month period expiring on September 2010)**
 - iii. **Councillor P B Tuddenham**
 - iv. **Councillor D Stranger**
3. **THAT Council endorse and confirm the charter for the Finance Committee as presented in Attachment 2 to the report to Council.**

PASSED



INFRASTRUCTURE SERVICES DIVISION

o-TS1	Swimming Centres
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REF:	PPM	6700, 6700/4
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The purpose of this report is for Council to consider recommendations for the operation of the Shire's Swimming Centres for the 2009/10 Season.

OC 101/09

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

1. Cost of Admission

THAT the following fee structure be adopted for Council's Swimming Centres.

ADULT	\$3.50
CHILD (under 18 years)	\$2.50
CONCESSION (Cardholder)	\$2.50
SPECTATOR (is defined as a guardian or direct relative accompanying or attending a child's activity at the Swimming Centre except Learn to Swim & squad training)	\$1.50
Children under 3 years	Free
SEASON FAMILY TICKET (immediate family only)	\$400.00

AND THAT Pass Outs be available for School Children under 16 years of age during School Holidays.

2. Multiple Entry Tickets

THAT the multiple entry cards be as follows:-

20 Tickets	\$2.50	\$50.00 a book
50 Tickets	\$2.00	\$100.00 a book

AND THAT tickets are non refundable and non transferable between swimming seasons. One card per visit pass.

3. After Hours Usage

- a. **THAT prior to commencement of the season all user groups wishing to use the Centres after hours attend an information session so that their needs and Council's conditions can be addressed.**
- b. **THAT Council charges the standard admission fees for after hours usage of the pools.**

.....Cont'd

.....Cont'd

- c. **THAT** all user groups confirm their program formally prior to the season.
4. **School Activity Or Carnival Booking – School Concessions – Adjustment of Entry Cost for Swimming Carnivals and School Swimming Activities**
 - a. **THAT** a flat entry fee for students for carnivals and organised school activities be \$2.00 and \$1.50 for spectators be applied.
 - b. **THAT** a booking fee of \$100.00 per event at Mittagong and Bowral Swimming Centres, which includes staff entry fees, be adopted.
 - c. **THAT** a booking fee of \$60.00 per event at Moss Vale and Bundanoon Swimming Centres, which includes staff entry fees, be adopted.
 - d. **THAT** the booking fee be applicable where the school group requests to have exclusive use of the centre and the booking fee be non-refundable for cancellations within 48 hours of the date booked.
5. **Season Length and Duration**
 - a. **THAT** the Mittagong Swimming Centre's season be 21 weeks commencing Saturday 10 October 2009 and close on Sunday 7 March 2010.
 - b. **THAT** the Bowral Swimming Centre's season be 19 weeks commencing on Saturday 7 November 2009 and close on Sunday 21 March 2010.
 - c. **THAT** the Moss Vale Swimming Centre's season be 18 weeks commencing on Saturday 14 November 2009 and close on Sunday 21 March 2010.
 - d. **THAT** Bundanoon Swimming Centre's season be 17 weeks commencing on Saturday 14 November 2009 and close on Sunday 14 March 2010
 - e. **THAT** the Swimming Centres be open each day of the swimming season excluding Christmas Day and Boxing Day.
 - f. **THAT** only Mittagong Swimming Centre open on Boxing Day.

.....Cont'd

.....Cont'd

6. Opening and Closing Time of the Centres

a. THAT the opening hours for each Swimming Centre be as follows:

Mittagong: 10 Oct to 6 Nov
& 12 Dec to 7 Mar

Monday	6am – 9am 2pm – 9pm
Tuesday	6am – 9am 2pm – 9pm
Wednesday	6am – 9am 2pm – 6pm
Thursday	6am – 9am 2pm – 6pm
Friday	6am – 9am 2pm – 8pm
Saturday	10am – 6pm
Sunday	10am – 6pm

Mittagong:
7 Nov – 11 Dec

2pm – 9pm
2pm – 9pm
2pm – 6pm
2pm – 6pm
2pm – 8pm
10am – 6pm
10am – 6pm

Bowral: 7 Nov to 21 March

Monday	6am – 6pm
Tuesday	6am – 6pm
Wednesday	6am – 6pm
Thursday	6am – 6pm
Friday	6am – 8pm
Saturday	10am – 6pm
Sunday	10am – 6pm

Moss Vale: 14 Nov to 21 March

Monday	6am – 9am 2pm – 6pm
Tuesday	2pm – 6pm
Wednesday	6am – 9am 2pm – 6pm
Thursday	2pm – 6pm
Friday	6am – 9am 2pm – 8pm
Saturday	10am – 6pm
Sunday	10am – 6pm

Bundanoon: 14 Nov to 14 March

Monday	6am – 10am 2pm – 6pm
Tuesday	2pm – 6pm
Wednesday	6am – 10am 2pm – 8pm
Thursday	2pm – 6pm
Friday	2pm – 6pm
Saturday	10am – 6pm
Sunday	10am – 6pm

.....Cont'd

.....Cont'd

Note: Opening and closing times may be reviewed pending staff availability and further consultation with user groups.

- b. THAT the Swimming Centres remain open during school holidays or when required for functions e.g. School Swimming Carnivals.**
- c. THAT all pools will remain open until 6pm, conditional that at 5pm should patronage be less than 20 people (10 at Bundanoon) and the weather is not conducive to swimming, the pool supervisors may close the pools at 5pm.**
- d. THAT on inclement days where temperatures fall below 17 degrees the Mittagong, Moss Vale and Bundanoon Swimming Centres be closed from 9:00am AND THAT signage will be provided to advise that the pools have been closed due to inclement weather and that the Bowral Swimming Centre is open.**
- e. THAT if the forecast temperature is greater than 35 degrees, Bowral pool is to remain open until 7pm.**

PASSED



CHAIRPERSON

At this juncture, the time being 4.58 pm, the Acting Mayor, Clr K Halstead, resumed the Chair to conduct the remainder of Council Business.

o-TS2 Grant Applications – NSW Community Building Partnership

REF: DIS 1890, 1800/1

Reporting on the NSW Governments Community Building Partnership program, with the aim to stimulate the local economy through the delivery of improved community facilities.

MN 311/09

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

1. **THAT** Council lodge a grant application for the NSW Community Building partnership for the following project:

Project	Estimated Cost	Funding Source for Council Contribution	Grant Funding Application
Mittagong Playhouse – Improvements to comply with conditions of approval to operate as a PoPE	\$120,000	\$60,000 from Infrastructure Recovery Strategy Funds	\$60,000

2. **THAT** Council confirms the above funding commitment from Infrastructure Recovery Strategy Funds to match the grant funding;
3. **THAT** Council seek support from Pru Goward MP Member for Goulburn for this Grant Application.
4. **THAT** Council seek funding under the Grant Applications – NSW Community Building Partnership through Matt Brown, MP, Member for Kiama to be used towards the construction of the pedestrian footpath at Robertson or any relevant projects in Robertson.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

NOTICES OF MOTION

COUNCIL MATTERS

NOTICES OF MOTION

c-NM1	11/2009 – Notice of Motion – Tendering	100/4, 6330
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Clr Ken Halstead has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 22 July 2009:

1. THAT Council comply with the provisions of Part 3, Division 1 – Tendering, Local Government Act 1993, and Part 7 – Tendering, Local Government (General) Regulation 2005 in all respects; AND THAT Council review its current procedures with regard to seeking “quotations” for works/undertakings/projects having regard to the provisions of the abovementioned Act and Regulation, in the interest of sound governance and probity.

MN 312/09

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

THAT Council comply with the provisions of Part 3, Division 1 – Tendering, Local Government Act 1993, and Part 7 – Tendering, Local Government (General) Regulation 2005 in all respects AND THAT Council review its current procedures with regard to seeking “quotations” for works/undertakings/projects having regard to the provisions of the abovementioned Act and Regulation, in the interest of sound governance and probity.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

NOTICES OF MOTION

c-NM2	12/2009 – Notice of Motion – Legal Committee
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100/4, 107/22

Clr Ken Halstead has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 22 July 2009:

1. THAT Council's Legal Committee be disbanded immediately and that all legal matters be reported to Council to avoid further breaches of Sections 9 and 10 of the Local Government Act 1993.

MN 313/09

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

THAT Council's Legal Committee be disbanded immediately and that all legal matters be reported to Council to avoid further breaches of Sections 9 and 10 of the Local Government Act 1993.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

QUESTIONS FROM THE PUBLIC

QUESTIONS FROM THE PUBLIC

1. URBAN AND RURAL HEDGE HEIGHTS 107/18

Mrs Jan Hainke asked that in view of the fact that the New South Wales Department of Planning has been unsympathetic to Council's lack of powers to control urban and rural hedge heights, will Council take this issue again to the Local Government Association Conference?

The Acting Mayor Clr K Halstead advised that this matter will be taken on notice.

2. PROPOSED HIGHWAY SERVICE CENTRE MASTER CONCEPT DA – 6 STAGES –
LOT 10 DP 811912 SALLYS CORNER ROAD, EXETER LUA09/0518

Mrs Val Turnbull of Sutton Forest asked if more information can be provided to residents of Exeter and Sutton Forest and could a public information session be held for residents in relation to the development.

The Director Environment & Planning advised that the initial neighbour notification was quite extensive - in the order 100 individual property owners notified - and this is being followed up with a second notification including an invitation for interested people to come to Council for an information session with Council staff so that residents have a good understanding of the proposal before they finalise their submissions to Council. He advised that the other benefit of the information session is for staff to understand the issues of concern that residents may have so that those issues can be covered comprehensively with the applicant. The Director advised that Council had attempted to notify as many people as possible about the development and that the information session is to be held as soon as possible.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

NOTICE OF MOTION

COUNCIL MATTERS (CONT)

NOTICES OF MOTION (CONT)

c-NM3 13/2009 – Notice of Motion – Parking Argyle Street, Moss Vale100/4,7460/26

Clr Paul Tuddenham has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 22 July 2009:

Clr Tuddenham asked for further reports to be brought forward to future Council meetings in relation to parking in Bowral and Mittagong.

1. THAT a report is requested into options for the provision of additional parking in the vicinity of the railway underpass on Argyle Street in Moss Vale.

MN 314/09

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

THAT a report is requested to come back to Council in relation to options for the provision of additional parking in the vicinity of the railway underpass on Argyle Street in Moss Vale.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

NOTICE OF MOTION

c-NM4	14/2009 – Notice of Motion – Expressions of Interest – Executive Recruitment Consultant	100/4, 503/60
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Clr Jim Mauger has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 22 July 2009:

1. THAT in advertising for expressions of interest from persons or organisations interested in assisting Wingecarribee Shire Council in the procurement of a new General Manager that it be specifically mentioned that local (that is persons or organisations that are ratepayers based within our Shire boundaries) be made aware they are welcome to apply.

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

THAT in advertising for expressions of interest from persons or organisations interested in assisting Wingecarribee Shire Council in the procurement of a new General Manager that it be specifically mentioned that local (that is persons or organisations that are ratepayers based within our Shire boundaries) be made aware they are welcome to apply.

LOST



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

OPEN COUNCIL

o-EP3 Robertson Inn – New Shops and Alterations

REF: DCM

LUA07/0958

This matter was considered by Council earlier in the meeting when voting on the motion was tied at four (4) votes all and is referred to Council for determination (refer page 10 of the Minutes).

MN 315/09

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

THAT LUA07/0958 for boundary adjustment, demolition of part of the existing structure and erection of eight (8) new shops (two with flats on first floor) at the Robertson Inn, Lot 2, DP 758882 and Lots 10 and 11 DP 546726 Hoddle Street, Robertson, be deferred for further consideration to the next Ordinary meeting of Council to be held on Wednesday, 12 August 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	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	



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

NOTICES OF MOTION

COMMITTEE REPORTS ATTACHED

c-CR1	Minutes of the Legal Committee
REF: DEP	107/22

Submitting minutes of the Legal Committee held Wednesday, 8 July 2009.

MN 316/09

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

THAT the recommendations as detailed in the minutes of the Legal Committee held Wednesday, 8 July 2009 be adopted.

PASSED

c-CR2	Minutes of the Access Committee
REF: DAW	1828/3

Submitting minutes of the Access Committee held Monday, 15 June 2009.

MN 317/09

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

THAT the recommendations as detailed in the minutes of the Access Committee held Monday, 15 June 2009 be adopted.

PASSED

GENERAL BUSINESS

1. BETTER USE OF AVAILABLE STAFF AND EQUIPMENT 842

Clr J Mauger stated that some time ago Councillors were informed that a meeting of managers had been held and that those managers were to come back with suggestions to improve efficiencies. Clr Mauger asked what has happened to this initiative?

The Acting General Manager advised that this matter would be taken on notice.

2. THE PROTOCOL OF PETS BEING RUN OVER ON COUNCIL'S ROADS 5500/9.1

Clr D Stranger gave a brief history of a recent incident where a pet dog was found deceased on a Council road and asked if Council has a protocol for a pets being run over on Council roads, noting that registration for animals within the Shire is now in place.

The Acting General Manager advised that Council regrets the distress to the owner of the dog that had been run over. He advised that there is a protocol in place if an animal is found on the side of the road and if it is micro-chipped the rangers are to be informed, the microchip scanned, a check the records made and advice to the owner accordingly. However, the Acting General Manager advised that in this case the Council employee was not aware of this protocol. He advised that all staff would be made aware that there is a protocol in place but reiterated that Council regretted the distress to the owner of the dog.

3. RIGHT HAND TURN INTO ELIZABETH STREET, BURRADOO RD1906, 7415/2

Clr J G Arkwright had received an enquiry from a constituent who lives in Elizabeth Street, Burradoo expressing concern about the right hand turn from Moss Vale Road into Elizabeth Street at Burradoo which was becoming dangerous.

The Acting Mayor Clr K Halstead advised that this matter will be brought before the next Traffic Committee Meeting and that it is a very valid concern as there have been numerous problems at this intersection.

4. GROUNDWATER BORES WITHIN THE SHIRE 7730, 5458/2

Clr P B Tuddenham referred to Item 2 in Council's Weekly Circular No 27, in particular point 3 in relation to the levies on commercial operators of bores which is still outstanding. Clr Tuddenham noted that in the reply from the Department of Water & Energy there are 1400 stock and/or domestic bores and 260 commercial bores with 9 outstanding bores, and he asked if Council could request the Department of Water & Energy to provide further advice as to whether there are limits in place, what the limits are, what audits they do and how often those audits are carried out. Clr Tuddenham noted that commercial operators are taking a resource that everyone else in the community pays for and are on-selling and being paid for that resource.

The Acting Mayor Clr K Halstead suggested that Council needs to ascertain what the uses are because some of those bores could be commercial and that Council should seek legal advice from its legal advisers in terms of levying a fee.

5. BUNDANOON MENS SHED GROUP 7106; PN279500

Clr J R Clark advised the Bundanoon Mens Shed Group have asked if Council can provide some assistance in a site clean-up of the old Works Depot in Bundanoon and that he is to be provided with a list of items they would like attended to. Clr Clark advised that this list will be on-forwarded to the Director Infrastructure Services.

The Acting Mayor Clr K Halstead advised that this is relevant and that the Mens Shed Group do very good work at Bundanoon. He advised that the Acting General Manager/Director of Infrastructure Services would take this matter on notice.

6. RELOCATED HOUSE AT THE SOUTHERN END OF ERIDGE PARK ROAD NEAR THE RUGBY CLUB AT BOWRAL LUA09/0230

Clr G McLaughlin asked if the relocated house at the southern end of Eridge Park Road in Burradoo near the Rugby Club had Development Approval?

The Director Environment & Planning advised that it was his understanding that a development application was lodged and that it had been approved but he will provide further information in the Weekly Circular.

7. UNDERPASS IN LACKEY ROAD, MOSS VALE 7430

Clr G McLaughlin asked if Council could approach the State Rail Authority to investigate the possibility of re-opening the underpass in Lackey Road, Moss Vale which could alleviate some of the problems with traffic flow in the town centre.

Clr P B Tuddenham advised that this matter had been dealt with by the Traffic Committee.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

NOTICES OF MOTION

8. FREE TREE VOUCHER

7813/2

Clr G McLaughlin referred to a brochure that he would hand around to all Councillors of a scheme introduced by another Council being a free tree voucher, and suggested that perhaps Council could consider the introduction of a similar scheme to keep the green within the Shire and that perhaps one of the local nurseries could get involved in this scheme without a great deal of expense to the community.

The Acting Mayor Clr K Halstead advised that this proposal had previously been in place with a former Council staff member who had conducted a nursery in his own time, and that this was an excellent idea.

The Acting General Manager advised that a cost is involved but this matter can be put forward for consideration at next year's budget considerations.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

CLOSED COUNCIL

CORPORATE SERVICES DIVISION

c-CS1	Closed Council	107/9
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To consider moving into Closed Council.

At this juncture, the time being 6.15 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.

Mr Mac Cott raised objection to the NSW Ombudsman's report being referred to Closed Council. Mr Cott stated that he found it difficult to understand why the matter was in Closed Council and suggested that it should be heard in Open Council.

The Acting Mayor Clr K Halstead advised Mr Cott that his objection was duly noted.

Clr J R Clark advised that the report from the Ombudsman was a preliminary report and Council was still waiting on the final report to be forwarded to Council.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

CLOSED COUNCIL

MN318 /09

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

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:**

c-GM1 STAFF MATTER 503/60

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 a staff matter concerning the General Manager.

Public Interest

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

c-EP1 NSW OMBUDSMAN'S REPORT 104/2;600/30; LUA02/0678

Relevant Legal Provisions

This report is referred to Closed Committee under Clause 10A(g) of the Local Government Act 1993 as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

Brief Description

Reporting on confidential report from NSW Ombudsman.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

2. **THAT the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.**

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

CLOSED COUNCIL

c-EP1 NSW Ombudsman's Report

REF:	DEP	104/2;	600/30;	LUA02/0678
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The Director Environment & Planning addressed Council on this matter.

Clr J Clark was absent from the Chamber during the debate on this matter and did not vote on this motion.

Relevant Legal Provisions

This report is referred to Closed Committee under Clause 10A(g) of the *Local Government Act 1993* as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

Brief Description

Reporting on Confidential report from NSW Ombudsman.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

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

THAT Council immediately inform the Ombudsman that it accepts the recommendations contained within the Statement of Preliminary Findings and Recommendations into the complaint received from Mr Philip Purnell and indicate its willingness to action those recommendations as a matter of priority.

PASSED

At this juncture all staff members retired from the meeting.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

CLOSED COUNCIL

c-GM1	Staff Matter
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REF:	MOD, FSM	503/60
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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 a staff matter concerning the General Manager.

Public Interest

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

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

THAT the 3.9% salary increase in the General Manager's remuneration from 31 January 2009, as detailed in the report, be approved.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

OPEN COUNCIL

MN 319/09

107/10

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

THAT Council moves back into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

MN 320/09

107/9

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

THAT the recommendations of the Closed Council held on Wednesday, 22 July 2009 (Items c-EP1 and c-GM1) be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

MN 321/09

107/10

MOTION moved by Clr K Halstead seconded by Clr J G Arkwright:

THAT the recommendations of the Open Council held on Wednesday, 22 July 2009 being OC 90/09 to OC 101/09, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.00 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 22 July 2009 numbered M/N 307/09 to M/N 321/09, were signed by me hereunder at the Council Meeting held on Wednesday, 12 August 2009.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 12 AUGUST 2009

CHAIRMAN

PUBLIC OFFICER