

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/09



held on Wednesday, 14 October 2009

The meeting commenced at 3.31 pm.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 October 2009

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 October 2009

COMMENCING AT: 3.31 pm

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

IN ATTENDANCE: Acting General Manager Mr Scott Lee
Acting Director Corporate Services Mr Peter Nelson
Acting Director Infrastructure Services Mr Selva Selvaratnam
Administration Officer Ms Liz Johnson

OPENING OF MEETING AND ACKNOWLEDGEMENT OF COUNTRY

1826/4

The Mayor Clr T D Gair opened the meeting and acknowledged country:

"We acknowledge the Traditional Owners and Custodians of this Land and we pay respect to the past and present Elders of the Country we are meeting on today."

PRAYER

100/1

The Mayor Clr T D Gair led the Council in prayer.



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APOLOGY

PERS

There were no apologies at this meeting.

PUBLIC FORUM

Mr Tim McCartney requested and was granted approval to speak on the following matter in the agenda:

Item o-EP15 – Legal Issues – Signage at Highlands Golf Club, Mittagong

The Mayor thanked Mr McCartney for his comments which would be taken in account when the matter was considered later in the meeting.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 October 2009

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY,
23 SEPTEMBER 2009

100/1

MN 424/09

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, 23 September 2009 MN 406/09 to MN 420/09 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

BUSINESS ARISING

Nil



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 October 2009

CONFIRMATION OF MINUTES

MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY,
30 SEPTEMBER 2009

100/1

MN 425/09

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

THAT the minutes of the Extraordinary Meeting of Council held on Wednesday, 30 September 2009 MN 421/09 to MN 423/09 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

BUSINESS ARISING

Nil



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 October 2009

DECLARATIONS OF INTEREST

101/3

Clr J Mauger declared a non-pecuniary interest in Item o-EP9 – Proposed Boundary Adjustment and SEPP1 Objection, Maugers Road, Robertson – as he is the father of the property owner. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.



MAYORAL MINUTE

c-MM1 Achievements and Challenges

REF: MAYOR 103/3 (cc 102/5)

Reflecting on the past year in office of the current Council.

MN 426/09

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

1. **THAT Council's achievements during the past year be acknowledged.**
2. **THAT Council acknowledge the contribution of staff over the past twelve (12) months.**
3. **THAT Councillors continue to commit to working hard for the residents and ratepayers of Wingecarribee Shire right up until the end of the present term in September 2012.**

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 14 October 2009

OPEN COUNCIL

OPEN COUNCIL

MN 427/09

107/10

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

THAT Council moves into Open Council to discuss various matters listed in the Agenda with Clr Juliet Arkwright in the Chair.

PASSED



VISITOR ITEM

ENVIRONMENT & PLANNING DIVISION

v-EP1 Proposed Subdivision and Easement for Access and Services, Retford Park, Old South Road and Mansfield Road, Bowral

REF: DBSM

LUA08/0475

Reporting on an application lodged under section 82A of the *Environmental Planning and Assessment Act, 1979* ('EP&A Act') for a Review of Determination in respect of the refusal of development application LUA2009/0534 for a 2 lot subdivision. At its meeting of 26 August 2009, Council resolved:

'THAT development application LUA2008/0475 for a subdivision of Lot 1 DP 860647 & Lot 20 DP 1001806, and for an easement for access and services within Lot 421 DP 792719, at Old South Road and Mansfield Road, Bowral, be refused in its current form.'

Note: The reference to LUA08/0475 in the above Council resolution (MN 371/09) was incorrect and should have referred to LUA09/0534 which was the application considered by Council.

Mr Allen Robinson addressed Council on behalf of the Applicant.

OC 144/09

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

1. **THAT** pursuant to s.82A(9) of the *Environmental Planning and Assessment Act, 1979*, Council support the departure from the development standard and seek the concurrence of the Director General, Department of Planning to a departure from the 40 hectare development standard to 31.62 hectares.
2. **THAT** authority be delegated to the Director Environment & Planning to determine the development application (LUA2009/0534), in line with the Director General's response; for a subdivision of Lot 1 DP860647 & Lot 20 DP 1001806, and for easements for access and services within Lot 421 DP 792719 and within proposed Lot 23, at Old South Road and Mansfield Road, Bowral, **AND THAT** any approval be subject to a condition requiring the provision of specific details of the mechanism by which the public benefit is to be secured.

PASSED

.....Cont'd



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
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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	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	



**v-EP2 Proposed Staged Development for a Rural Dwelling – Lots 71 & 72, DP
13350, Old Jamberoo Road, Robertson**

REF: DBSM

LUA09/0653

Reporting on a staged development application for a dwelling-house.

The Acting General Manager, Mr Scott Lee, advised that the applicant had requested that the matter be deferred.

OC 145/09

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

THAT LUA09/0653 for Proposed Staged Development for a Rural Dwelling – Lots 71 & 72, DP 13350, Old Jamberoo Road, Robertson - be deferred to the next full Meeting of Council to be held on Wednesday, 28 October 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	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: DBSM 5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 31 August 2009 and 16 September 2009.

OC 146/09

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

THAT the information relating to Development Consent Nos. 1 – 17 (Table 1) and 1 and 2 Refused (Table 2) under Delegated Authority, be received and noted.

PASSED

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

ITEM 2 – SIGNAGE – THE IMPERIAL HOTEL, 228-234 BONG BONG STREET, BOWRAL
LUA09/0839

Clr K Halstead referred to this item and asked if the sign complies with Council's sign code?

Council's Design & Building Services Manager, Mr Les Pawlak, advised that the sign could be approved under delegated authority with minor variations to the code or it would be presented to Council, but he will investigate the matter and provide further details in the Weekly Circular.

ITEM 7 – MOUNTAIN BIKE TRACK AND MINOR EARTHWORKS, KANGALOO ROAD, GLENQUARRY
LUA09/0840

Clr G McLaughlin asked about the location of this development.

Council's Design & Building Services Manager, Mr Les Pawlak, advised that further details will be provided in the Weekly Circular.



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REPORT OF DIRECTOR CORPORATE SERVICES

ITEM 15 – 5 LOT SUBDIVISION, 13 BARRENGARRY STREET, ROBERTSON

LUA09/0673

Clr L A C Whipper requested further information on this matter.

Council's Design & Building Services Manager, Mr Les Pawlak, advised that further details will be provided in the Weekly Circular.



o-EP2 List of Land Use Applications Received by Council

REF: DBSM 5302

Submitting list of development applications which have been received between 16 September 2009 and 6 October 2009, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

OC 147/09

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

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

PASSED

Matters Arising from Land Use Applications Received by Council

ITEM 3 – SIGN, 28 OXLEYS HILL ROAD, BOWRAL LUA090/0871

Clr P B Tuddenham asked for further information about this signage

Council's Design & Building Services Manager, Mr Les Pawlak, advised that further details will be provided in the Weekly Circular.

ITEM 4 – DEMOLISH EXISTING HOUSE/SHEDS/CARPORT AND REPLACE WITH NEW DWELLING AND GARAGE LUA09/0871

Clr L A C Whipper asked if there were any heritage issues in relation to the demolition of the house.

Council's Design & Building Services Manager, Mr Les Pawlak, advised that further details will be provided in the Weekly Circular.

ITEM 9 – 7 LOT SUBDIVISION, KARRAREE, BUNDANOON ROAD, EXETER LUA09/0881

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

Council's Design & Building Services Manager, Mr Les Pawlak, advised that further details will be provided in the Weekly Circular.



o-EP3 Land Use Applications Determined

REF: DBSM

5302

Submitting list of Land Use applications determined by way of approval under delegated authority of the Director of Environment & Planning for the month of September 2009.

OC 148/09

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

THAT the information regarding the List of Land Use Applications Received by Council for the month of September 2009, be received and noted.

PASSED



o-EP4 Staged Concept Approval for a Covered Riding Arena, Lot 32 DP869229, Yarrawa Road, Moss Vale

REF: DBSM

LUA09/0598

Reporting on a development application (LUA 09/0598) seeking a “staged” development consent for a Covered Riding Arena at Lot 32 DP 869229, Yarrawa Road, Moss Vale.

OC 149/09

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

1. **THAT the staged development application LUA 08/0863 for Concept Approval for a covered riding arena on Lot 32 DP869229, Yarrawa Road, Moss Vale, be approved subject to appropriate conditions, including the following special conditions to be addressed in the next development application:**
 - (i) ***A plan must be submitted showing additional landscaping to be undertaken along the Yarrawa Road frontage and the southern common boundary with Lot 31 DP869229, with this landscaping to be completed prior to the occupation of the arena.***
 - (ii) ***The purpose of the covered roofed arena is to provide all-weather training for horses associated with the agricultural use of the land and is to be used for private purposes only. No shows, public events or riding schools are permitted by this consent AND THAT the Certificate of Title be encumbered with the appropriate restriction as to user.***
 - (iii) ***Specific details are to be submitted of the proposed exterior colour scheme.***
 - (iv) ***All vehicular access to the property must be limited to the existing driveway, and this must be upgraded in accordance with Council’s Standard Drawing SD110, and sealed between the existing edge of bitumen and the property boundary.***
 - (v) ***Specific details are to be submitted of the manner in which the arena will be built and subsequently used without adversely impacting upon water quality, with particular emphasis on:***
 - (a) ***construction phase erosion and sediment control;***
 - (b) ***the collection of rainwater in tanks and the control of run-off;***
and
 - (c) ***horse manure management.***
2. **THAT the further stages of the development be referred to Council for consideration prior to approval.**

PASSED



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REPORT OF DIRECTOR CORPORATE SERVICES

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

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



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REPORT OF DIRECTOR CORPORATE SERVICES

o-EP5	Proposed Commercial / Residential Development, Lot 1 Bowral Street, Bowral
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REF:	DBSM
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LUA08/0409

Reporting on a development application (LUA 08/0409) seeking the demolition of an existing dwelling and the erection of a commercial development containing five (5) ground level commercial suites, three (3) first floor residential units and twelve (12) on site carspaces at Lot 1 DP 515559 45 Bowral Street, Bowral. (See Attachment 1 – Location Plan and Attachment 2 – Aerial Photo)

OC 150/09

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

THAT consideration of LUA 08/0409 for the demolition of an existing dwelling and the erection of a commercial development containing five (5) ground level commercial suites, three (3) first floor residential units and twelve (12) on site carspaces at Lot 1 DP 515559 45 Bowral Street, Bowral, be deferred pending a site inspection of the property by Council **AND** **THAT** the matter be referred to the full meeting of Council to be held on Wednesday, 11 November 2009.

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

1. **THAT** LUA 08/0409 for 2 storey Commercial/Residential Mixed Use development at Lot 1 DP 515559 Bowral Street Bowral, be approved subject to appropriate conditions, including special conditions requiring:
 - (i) **A Restriction As To User linking the use of each residential dwelling to the use of a commercial suite;**
 - (ii) **The creation of an easement in favour of Council over the sewer main; and**
 - (iii) **The submission of a detailed landscaping plan.**
2. **THAT** the Voluntary Planning Agreement concerning the proposed development at Lot 1 DP 515559, 45 Bowral Street, Bowral, be executed under the Common Seal of the Council.
3. **THAT** the Voluntary Planning Agreement, once executed by Council, be placed in Council's Planning Agreements Register and forwarded to the Minister of Planning in accordance with Section 93G(3) of the Environmental Planning & Assessment Act, 1979 within fourteen (14) days.

PASSED

AMENDMENT BECAME THE MOTION

MOTION PASSED



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REPORT OF DIRECTOR CORPORATE SERVICES

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

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



o-EP6 Proposed Boundary Adjustment and SEPP1 Objection, Wildes Meadow Road, Wildes Meadow

REF: SPM

LUA09/0299

Reporting on a boundary adjustment accompanied by a SEPP 1 Objection lodged for Lots 1 & 2 DP 560298 Wildes Meadow Road, Wildes Meadow.

OC 151/09

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

THAT Council delegate authority to the Director Environment & Planning to issue an approval notice for the proposed boundary adjustment and SEPP 1 Objection subject to the concurrence of the Department of Planning.

PASSED

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

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



o-EP7 Demolition, Restoration and Rebuilding of Heritage Listed Building, 85 Old Hume Highway, Berrima

REF: DBSM

LUA09/0753

Reporting on the demolition, restoration and rebuilding of Heritage Listed Building at 85 Old Hume Highway, Berrima.

OC 152/09

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

THAT LUA09/0753 for the demolition and rebuilding of a brick and timber cottage and the restoration and addition to a brick cottage be approved subject to conditions imposed by Department of Planning, including conditions generally as set out below:

- a) **Applicant prior to the issue of a Construction Certificate provide to Council:**
 - i) **detailed notes/drawings of external materials, ie doors, shutters, windows,**
 - ii) **colours for all exterior work profiles of timber joinery, especially for the smaller cottage.**
- b) **Detailed Landscape Plan that shows driveways, plantings, fencing.**
- c) **Retention of all chimneys on the brick cottage: structurally unsound/non functioning chimneys could be fabricated to represent the original.**

PASSED

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

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



o-EP8 Proposed Ten (10) Cluster Houses, Wembley Road, Moss Vale

REF: DBSM

LUA08/0144

Reporting on s96 (1a) application to modify the consent for ten (10) Cluster Houses at lot 7 DP 800183 Wembley Road, Moss Vale. Application seeks an amendment to condition no 35(b) (i) of consent LUA08/0144 regarding the construction of kerb and guttering.

Council's Development & Building Services Manager, Mr Les Pawlak addressed Council on this matter.

OC 153/09

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

THAT authority be delegated to the Director Environment & Planning to modify condition 35(b)(i) of LUA08/0144 for ten (10) cluster houses at Wembley Road, Moss Vale, to provide for an alternative design option which will maintain a rural streetscape and also satisfy Council's objectives for effective road design and drainage AND THAT construction should be of a concrete edge strip and grass swales as per standard drawing SD147 – Road Swale Treatment, noting that the drainage infrastructure will need to be piped under the grass swale in accordance with standard drawing SD127 – Standard surcharge pits.

PASSED

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

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



o-EP9 Proposed Boundary Adjustment and SEPP1 Objection: Maugers Road, Robertson

REF: DBSM LUA09/0585

Reporting on a proposed subdivision (relocation of Concessional Allotment) accompanied by a SEPP 1 Objection for lots 1 & 2 DP 1110887 Maugers Road, Robertson.

Interest: Clr J Mauger declared a non-pecuniary interest in this matter as he is the father of the property owner. He left the chamber, took no part in the debate and refrained from voting thereon.

Council's Development & Building Services Manager, Mr Les Pawlak addressed Council on this matter.

OC 154/09

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

THAT Council delegate authority to the Director Environment & Planning to issue an approval for the proposed boundary adjustment and SEPP 1 Objection subject to the concurrence of the Department of Planning.

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	A	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



o-EP10 Draft Industrial Lands Development Control Plan

REF: SPM

5700/64

The purpose of this report is to re-submit the Draft Industrial Lands Development Control Plan to Council for adoption.

Council's Acting General Manager, Mr Scott Lee, and Strategic Planning Manager, Mr Mark Pepping, addressed Council on this matter.

OC 155/09

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

1. **THAT Council adopt the Draft Industrial Lands Development Control Plan ('DCP'), circulated separately to Councillors, incorporating changes as recommended within the report.**
2. **THAT Council implement the Industrial Lands Development Control Plan in accordance with the provisions of the Environmental Planning & Assessment Regulations, 2000 and in conjunction with the gazettal of the Wingecarribee Local Environmental Plan 2009.**
3. **THAT Council inform those persons and organisations who made submissions of its decision.**
4. **THAT any identified changes that arise in the first twelve (12) months of the implementation of the DCP be referred to Council for consideration and include amendments to the lighting provisions contained in the DCP.**

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	



CHAIRPERSON

At this juncture, the time being 5.02 pm, the Mayor, Clr T D Gair, resumed the Chair to conduct the remainder of Council Business.

o-EP11	Draft Northern Gateway Local Environmental Plan
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REF:	SPM	5807,	5602/7
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To place on public exhibition the draft Northern Gateway Local Environmental Plan ('LEP').

The Acting General Manager, Mr Scott Lee, addressed Council on this matter.

Clr P B Tuddenham asked for a copy of the Bunnings Landscaping Plan to be placed in the Weekly Circular.

MN 428/09

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

1. ***THAT Council note the Department of Planning's approval to proceed with the draft Northern Gateway Local Environmental Plan ('LEP') and that the draft LEP now be placed on public exhibition for at least sixty (60) days and be publicly notified in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 and Environmental Planning and Assessment Regulation, 2000.***
2. ***THAT the draft LEP and any submissions received be reported back to Council for consideration in early 2010.***

PASSED

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

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



o-EP12 Amendment to Moss Vale Enterprise Corridor – DCP 60

REF: SPM

5700/60; 5602/11

The purpose of this report is to advise the outcome of the exhibition of an Amendment to the Moss Vale Enterprise Corridor (MVEC) Development Control Plan (DCP) No.60.

MN 429/09

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

1. **THAT Council adopt amended Figure 3 (attachment 1 to the report) in the Moss Vale Enterprise Corridor Development Control Plan 60 as exhibited by removing the area of Biodiversity Conservation over the subject properties within Carribee Road.**
2. **THAT Council implement the amendment in accordance with the provisions of the Environmental Planning and Assessment Regulation, 2000.**
3. **THAT Council advise the owners of the land that the proposed amendment to the Moss Vale Enterprise Corridor Development Control Plan 60 as exhibited has been adopted.**

PASSED

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

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



o-EP13 Joint Regional Planning Panel

REF: DEP 5300, 5605

Reporting on appointments for the Joint Regional Planning Panels.

Council's Acting General Manager, Mr Scott Lee addressed Council on this matter.

MN 430/09

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

1. **THAT** *Mr David McGowan be confirmed as one of Wingecarribee Shire Council's local panellists for the Southern Joint Regional Planning Panel for a period of two (2) years.*
2. **THAT** *Mrs Laurel Cheetham be nominated as first alternate and Mr Jim Allman as second alternate for the Southern Joint Regional Planning Panel for a period of two (2) years in the event that Mr McGowan is unavailable.*
3. **THAT** *Council renominate Councillor David Stranger as the second of Council's local panellists for the Southern Joint Regional Planning Panel for a period of two (2) years and in the alternative Councillor Ken Halstead be Council's nomination on the Southern Joint Regional Planning Panel.*

PASSED

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

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



o-EP14 Compliance and Enforcement Policy

REF: DBSM 5210/6, 104/5

Reporting on the completion of the *Compliance and Enforcement Policy* for consideration by Council.

Clr P B Tuddenham referred to the Compliance Register which Councillors previously received as part of the Legal Committee and asked if this could still be received via the Weekly Circular.

The Acting General Manager, Mr Scott Lee, advised that this will be provided in the Weekly Circular on the alternate week to the Legal Report.

MN 431/09

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

1. **THAT** the Environment and Planning Compliance and Enforcement Policy be endorsed by Council.
2. **THAT** the Environment and Planning Compliance and Enforcement Policy be placed on public exhibition for a period of twenty eight (28) days.
3. **THAT** a further report be submitted to Council for consideration at the expiration of the public exhibition period.

PASSED

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

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



o-EP15	Legal Issues
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REF: DEP	107/22
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Reporting on legal issues.

MN 432/09

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

THAT the Items be dealt with inseriatum.

PASSED

1. NEW LEGAL CASES 107/22

MN 433/09

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

THAT the information in relation to New Legal Cases Received be noted.

PASSED

2. SIGNAGE AT HIGHLANDS GOLF CLUB, MITTAGONG
6612/3, 5501/5, PN676500

MN 434/09

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

THAT an Information Session be held for all Councillors on Wednesday, 21 October 2009 to discuss Council's signage policy **AND THAT** Item 2 of the Report be referred to the next meeting of Council to be held on Wednesday, 28 October 2009.

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

1. **THAT in relation to Item 2 – Signage at Highlands Golf Club, Mittagong – the Highlands Golf Club be advised that the proportions of the KFC image on the revised sign are appropriate, but the wording on the sign that directs people to the KFC store is not appropriate and should be replaced with reference to the Highlands Golf Club.**

2. **THAT Council convene an Information Session, as soon as possible, to discuss Council's signage policy/code and be brought back to the next Council Meeting to be held on Wednesday, 28 October 2009.**

PASSED



VOTING ON THE AMENDMENT

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	

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.

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



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 October 2009

REPORT OF DIRECTOR CORPORATE SERVICES

3. WATER DETERMINATION, LOT 7, DP 860109, OXLEYS HILL ROAD, BOWRAL
PN1704888

The Acting General Manager, Mr Scott Lee, addressed Council on this matter.

MN 435/09

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

1. **THAT the water determination in relation to Lot 7 DP 860109, Oxleys Hill Road, Bowral, be deferred for further consideration (without further monetary interest to the owner) to determine other means of access to Council's water supply and the costs involved to the owner to solve the problems with the water pipes.**
2. **THAT an Information Session be held for Councillors to discuss Council's Water Policy.**

PASSED

QUESTIONS FROM THE PUBLIC

1. CORBETT PLAZA FOUNTAIN

7840/1

Mrs Pam Cooper referred to a recent letter in the Southern Highlands News which enquired as to the whereabouts of the Corbett Plaza fountain which had been removed when the Plaza was revamped. She asked if Council had tracked the fountain down and, if so, when and where will it be relocated?

The Mayor Clr T D Gair advised that the fountain has been returned to the original donor and he understands it is in-situ.

2. SOLID TIMBER SEAT OUTSIDE THE SHIRE OFFICES

7325

Mrs Pam Cooper asked about the solid timber seat that was outside the Shire offices before it was replaced by new seating. She stated that she would like to know the whereabouts of this seat and to know what happens to Council property after it is replaced or up-dated.

The Mayor Clr T D Gair advised that the matter will be investigated.

3. PLANS OF MANAGEMENT FOR COUNCIL'S PARKS

7124

Mrs Jan Hainke referred to the Plans of Management which are required for all parks and noted that some plans have been completed. She asked were tenders called for these Plans of Management individually or has one company been engaged to draw up all plans as a "job lot"?

The Acting Director Corporate Services advised that Council has employed an Assistant Property Manager to prepare some of the Plans of Management, some of which have come before Council for approval. The Acting Director Corporate Services advised that he understood that for the Plans of Management undertaken by Council's consultant, expressions of interest were originally called, and these plans are being handled by Council's Parks & Property division in consultation with the appointed consultant.

Mrs Hainke asked if the consultant is Regis, and if Regis are the consultants for all these projects?

The Acting Director Corporate Services confirmed that the consultant is Micris Management and that the consultant has been given a number of Plans of Management to prepare. He advised that he is not sure how many Plans of Management the consultant has been contracted to undertake.

The Mayor Clr T D Gair advised that details of the Plans of Management being undertaken by independent consultants over the past twelve (12) months will be provided to Mrs Hainke.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 October 2009

QUESTIONS FROM THE PUBLIC

4. SIGNAGE

7415, 5501/5

Mrs Jan Hainke referred to a large sign for the proposed "Highland Belle" development in Moss Vale (opposite the Old Mobile Service Station) which is in a state of dilapidation. She asked if a request can be made to the developer to remove or restore this sign.

The Mayor Clr T D Gair advised that this matter will be investigated and Mrs Hainke will be advised of the outcome of those investigations.

5. COUNCIL'S DRAFT LEP

5900

Mr Terry Oakes-Ash asked about the current status with Council's LEP.

The Acting General Manager advised that the LEP is currently with the Department of Planning and they are hopeful of having a gazettal this year.

6. COUNCIL'S NEW GENERAL MANAGER

506/1

Mr Terry Oakes-Ash asked if the new General Manager's KPI's will be made public to enable the community to understand how his performance will be judged and, in particular, will he have the right to hire and fire staff without referral to Council.

The Mayor Clr T D Gair advised the KPI's will be determined by Council's consultants in conjunction with the incoming General Manager and Councillors, and the KPI's are not released publicly as this is privileged information of Councillors. The Mayor advised that the General Manager is in charge of the day to day operations of Council and if there is a concern and need for a Council staff member to be dismissed, he has the authority to do so.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 October 2009

QUESTIONS FROM THE PUBLIC

7. NORTHERN GATEWAY

5807, 5602/7

Mr Peter Smyth referred to page 59 of the Agenda for today's meeting and asked if good planning has so many mixed allotments beside one another when a very big concern in the community is the Bunnings and straight across the road there is a landlocked parcel of land that is E3 that is beside IN1 and over the other side of the road is IN1, so would it be pertinent to make it all IN1 or all E3 if the gateway to the Shire was to be a little bit less industrial and could this have been adjusted in the 2009 LEP?

The Mayor Clr T D Gair advised that it was his understanding that the land on the left hand side (going out) works on a ridgeline effect so it is camouflaged, the land on the right was gazetted in the 1970's and therefore was already been put in place.

The Acting General Manager advised that the report in the Agenda today is the draft LEP which is going on Public Exhibition, so Mr Smyth can make a submission on the issue. He advised that the proposal before Council today has come about through a process of talking with landowners and discussions with the Department of Planning. The Acting General Manager stated that it was acknowledged that it was a bit of a "mish/mash" of land uses and zonings and this is an attempt to get a better outcome within the constraints within which Council is working.

8. CONCRETING OF FOOTPATHS

7810/5

Mr Peter Smyth asked if Council had ever considered blending a slight oxide colour into the concrete for footpaths (at a minimal cost) to blend with the natural environment better than stark white. He noted examples of this can be seen in northern shires of New South Wales.

The Mayor Clr T D Gair advised that Mr Smyth had raised a fair point.

9. SIGNAGE FOR HIGHLANDS GOLF CLUB

6612/3, 5501/5, PN676500

Mr Ian Scandrett asked if the lease for the Highlands Golf Club, Mittagong, refers to signage and could this be looked at?

The Mayor Clr T D Gair advised that the matter be investigated.

10. SIGNAGE POLICY

5613, 7415/1

Mr Ian Scandrett asked if the public and business chambers will be involved in consultation on Council's Sign Policy, and referred to community signs such as car boot sales at schools and van vendors.

The Mayor Clr T D Gair advised that the matter of Council's Sign Policy will be reviewed in a comprehensive manner and if there is a need to go on public exhibition, then the community will be consulted.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 October 2009

QUESTIONS FROM THE PUBLIC

11. MOSS VALE MEDICAL CENTRE

LUA08/1047

Mr Ian Scandrett asked about the present position in relation to the Moss Vale Medical Centre development and asked if Council received a geo-tech report as there were a number of levels of parking included in the development.

The Mayor Clr T D Gair advised that it is his understanding (although not confirmed) that there is a large amount of hard rock under the site and the estimated cost to remove that rock is \$1.5 million or in that vicinity and that no action at this stage has been taken on the commencement of the site.

The Acting General Manager advised that a geo-tech report was not provided with the DA.

12. COMPUTERS/COUNCILLOR EMAIL ACCOUNTS

101/4

Mr Ian Scandrett referred to a question he had previously asked about the provision of computers and servers and asked if he could have a full official response to that question.

The Mayor Clr T D Gair advised that this matter will be taken on notice and a reply will be provided.



CORPORATE SERVICES DIVISION

o-CS1	Proposed Licence to Depasture Livestock on Part of Council Land, being Part Lot 2 Deposited Plan 553468, off Sheepwash Road, Bowral, being Part of Water Treatment Plant
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REF:	PO, WSM	PN1320600
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Report to request Council endorsement of proposal to Licence the use of part of the Water Treatment Plant land at Sheepwash Road, Bowral for the grazing of livestock.

MN 436/09

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

THAT the Proposed Licence to Depasture Livestock on Part of Council Land, being Part Lot 2 Deposited Plan 553468, off Sheepwash Road, Bowral, being Part of Water Treatment Plant, be deferred for further consideration by Council at an Information Session to discuss alternate usages available to Council.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 October 2009

REPORT OF DIRECTOR CORPORATE SERVICES

o-CS2 Transfer to Integral Energy – Lot 1 and Lot 2 Deposited Plan 1070183 Argyle Street, Moss Vale

REF: PO PN1715530, PN48800

This report is written to request Council's endorsement of a Transfer from Council to Integral Energy to rectify an apparent error made during the 2008 conversion from Old System to qualified (Torrens) Title.

MN 437/09

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

THAT the General Manager and Mayor be authorised to execute a Real Property Transfer with respect to Lots 1 and 2 Deposited Plan 1070183 at Argyle Street, Moss Vale to Integral Energy Australia as being the registered proprietor.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 October 2009
REPORT OF DIRECTOR CORPORATE SERVICES

o-CS3	Council and Committee Meeting Dates for December 2009 and January 2010
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REF: MM, MANAGERS	100/1, 107
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Reporting on proposed changes to Council meeting dates for December 2009 and January 2010.

MN 438/09

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

1. **THAT** the Ordinary Council meeting scheduled to be held on Wednesday, 23 December 2009 be transferred to Wednesday, 16 December 2009.
2. **THAT** the Information Sessions scheduled to be held on Wednesday, 16 and 30 December 2009 be cancelled.
3. **THAT** the Information Sessions scheduled to be held on Wednesday 6, 13 and 20 January 2010 be cancelled (unless required).
4. **THAT** the Ordinary Council meeting scheduled for Wednesday, 13 January 2010 be cancelled.
5. **THAT** the Ordinary Council meeting scheduled for Wednesday, 27 January 2010 be held and will be the first Ordinary Council meeting of the year 2010.

PASSED



o-CS4 Pecuniary Interest Returns as at 30 September 2009

REF: DCS	101/3
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Tabling Register of Pecuniary Interest Declarations as at 30 September 2009.

Clr J Arkwright left the Chamber during debate on this matter.

MN 439/09

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

THAT the information be received and noted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 October 2009
REPORT OF DIRECTOR CORPORATE SERVICES

o-CS5	Delegation of Authority
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REF:	RMC, SPM
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800/10

Reporting on Section 54(4) Notification from the NSW Department of Planning re Draft Wingecarribee Local Environmental Plan 2009 Northern Gateway at Braemar which requires a Section 65 Certificate to be issued under the Environmental Planning and Assessment Act 1979. In order to complete this request Council needs to reinstate the delegation which grants the authority to issue Section 65 Certificates.

MN 440/09

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

THAT Council reinstate delegation ST007 'Issue of Section 65 Certificates' in order to comply with the Section 54(4) Notification – Draft Wingecarribee Local Environmental Plan 2009 issued by the NSW Department of Planning on 14 September 2009.

PASSED



INFRASTRUCTURE SERVICES DIVISION

o-IS1 Traffic Calming Project on Range Road, Mittagong

REF: RTM 7321/1, 7321

Reporting on funding to construct a traffic calming project within Range Road, Mittagong along the frontage to Frensham School.

It was noted that the reference to Frensham College in the report should have correctly referred to Frensham School.

Clr J G Arkwright returned to the Chamber at this juncture.

MN 441/09

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

1. **THAT** Council writes to Frensham School acknowledging their generous contributions towards the project.
2. **THAT** Council allocates \$40,000 from S.94 Roads Funds towards the construction of a traffic calming project within Range Road, Mittagong along the frontage of Frensham School.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 October 2009

REPORT OF THE GENERAL MANAGER

COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 Appointment of General Manager

REF: MOD, RMC, MALS

506/1

Reporting on the appointment of the General Manager with Wingecarribee Shire Council.

MN 442/09

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

THAT Council confirm the appointment of Mr Jason Gordon to the position of General Manager, on a five (5) year contract commencing Monday, 7 December 2009, with a commencing remuneration package of \$240,000.00.

PASSED



COMMITTEE REPORTS ATTACHED

c-CR1 Minutes of the Access Committee

REF: CWAD 1828/3

Submitting minutes of the Access Committee held Monday, 17 August 2009.

MN 443/09

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

THAT the recommendations as detailed in the minutes of the Access Committee held Monday, 17 August 2009 be adopted.

PASSED

c-CR2 Minutes of the Environment & Sustainability Committee

REF: NRC 5456/29.01

Submitting minutes of the Environment & Sustainability Committee held Wednesday, 16 September 2009.

MN 444/09

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

THAT the recommendations 1 – 7 as detailed in the minutes of the Environment & Sustainability Committee held Wednesday, 16 September 2009 be adopted, it being noted that Councillor Jim Mauger was in attendance for the majority of the meeting although he was not noted in the Minutes as being in attendance.

PASSED



c-CR3 Minutes of the Finance Committee

REF: DCS 107/21

Submitting minutes of the Finance Committee held Wednesday, 23 September 2009.

MN 445/09

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

THAT the recommendations FC 06/09 to FC 08/09 as detailed in the minutes of the Finance Committee held Wednesday, 23 September 2009 be adopted.

PASSED

c-CR4 Minutes of the Internal Audit Committee

REF: DCS 107/34

Submitting minutes of the Internal Audit Committee held Wednesday, 23 September 2009.

MN 446/09

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

THAT the recommendations IAC 1/09 to IAC 2/09 as detailed in the minutes of the Internal Audit Committee held Wednesday, 23 September 2009 be adopted.

PASSED



c-CR5 Minutes of the Finance Sub-Committee

REF: DCS 107/34.1

Submitting minutes of the Finance Sub-Committee held Thursday, 24 September 2009.

MN 447/09

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

THAT the agreed action as detailed in the minutes of the Finance Sub-Committee held Thursday, 24 September 2009 be adopted.

PASSED

SUPPLEMENTARY REPORT

c-CR6 Minutes of the Finance Sub-Committee

REF: DCS 107/34.1

Submitting minutes of the Finance Sub-Committee held Friday, 9 October 2009.

MN 448/09

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

THAT the agreed action as detailed in the minutes of the Finance Sub-Committee held Friday, 9 October 2009 be adopted.

PASSED

GENERAL BUSINESS

1. CLAUSE 158 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005
(TESTING OF METRES) 6330

Clr K Halstead asked if the Mayor could ensure that reference is made to Clause 158 Local Government (General) Regulation 2005 (testing of metres) when a report is prepared on Item 3 in o-EP15 – Legal Issues.

2. NOISE POLLUTION IN BUNDANOON PN1445601, PN1445602, 5456/4, 5500/6

Clr K Halstead asked if Council can hire the appropriate noise measuring equipment to determine the existing noise environment at the property of Mr and Mrs Rundle at Gullies Road, Bundanoon, to determine whether there is a case for an order to be pursued with regard to noise abatement.

The Acting General Manager advised that the equipment has been hired.

3. HIGHLANDS MARKETPLACE, MITTAGONG LUA04/1134

Clr K Halstead asked if the Mayor is satisfied with the ultimate outcome of the investigations into the structural problems at the Highlands Marketplace, Mittagong and, if so, does the Mayor agree that it was prudent for Clrs Arkwright, McLaughlin and himself (Clr Halstead) to pursue this issue, ie, their collective stance has been vindicated.

The Mayor Clr T D Gair advised that the two engineers had disagreed but worked through the issues and that there had been rectification of the site, as far as he is aware. The Mayor stated that a valid point was made and it was good that Council became involved, and he thanked Councillors for their efforts in pursuing the matter.

4. STATE/CONDITION OF THE ROAD IN EXETER -MIDDLE ROAD - NEAR THE
GENERAL STORE AT EXETER RD2308, RD2319

Clr J G Arkwright referred to the state or condition of the road at Exeter, and noted that this matter was considered by the Traffic Committee at its last meeting.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 October 2009

GENERAL BUSINESS

5. WOMENS PARTICIPATION IN LOCAL GOVERNMENT

200/1

Clr J G Arkwright referred to a media release by The Hon Anthony Albanese, MP, Minister for Infrastructure, Transport, Regional Development and Local Government, in relation to funding to improve women's participation in Local Government. Clr Arkwright stated that she welcomed the Federal Government's initiative in this matter, noting that only 30% of Councillors are women, 20% of senior management roles are filled by women and only 7% of council Chief Executives Officers are women. She asked that the media release be recorded and for Council's participation in this particular initiative.

The Mayor Clr T D Gair advised that the constitutional recognition and those within Local Government is long overdue.

6. BU2 CATCHMENT

8100/5

Clr J Mauger referred to the reports provided by Boyden & Partners in this matter. Clr Mauger stated that he has been trying to obtain copies of these reports for many years, and asked if these reports could be made available to himself and any other Councillors. Clr Mauger stated that to date he has been advised that he can have copies of the reports but they will be made available at a cost of 55 cents per page, noting that there are about 400 pages. He asked how many hard copies of the report were supplied by Boydens and what the cost overall was to Council of consultants in relation to the BU2 catchment, whether it was Boydens or another consultant.

Clr K Halstead asked if one copy of the report could be made available for all Councillors to look at.

Clr J G Arkwright asked if Clr Mauger, or any other Councillor who viewed the report, could receive copies of any selected pages of the report that they required.

Clr J Mauger noted that there is a CD available.

The Mayor Clr T D Gair advised that this matter will be taken on notice and all the issues will be investigated.

7. FOUNTAINDALE ROAD, ROBERTSON

RD3612

Clr J Mauger advised that contractors had started work on this project on Monday morning 12 October 2009, but noted that work has stopped, and he asked for an indication of when the work will be completed.

The Acting Director Infrastructure Services advised that this matter will be taken on notice and that information will be provided in the Weekly Circular.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
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GENERAL BUSINESS

8. PROPOSED DEVELOPMENT AT SALLYS CORNER ROAD, EXETER

LUA09/0518

Clr G McLaughlin referred to a letter from a resident of the area and the questions raised in relation to the development, and asked if these questions could be addressed in the Weekly Circular.

The Acting General Manager advised that a very comprehensive letter has been prepared to the applicant by Council staff as a result of public consultation and feedback already received, and asking the applicant to clarify certain matters or provide further information. The Acting General Manager advised that once this further information has been received, the matter will be reported to Council.

9. WERAI ROAD – SURFACE SUBSIDENCE

RD6000, 0069

Clr J R Clark referred to the condition of Werai Road (north of Exeter from Greenhills Road to Exeter) which has deteriorated badly over recent years, with dips and ruts causing a very uneven surface. Clr Clark asked if the RTA is responsible for this road and are there any plans for its rehabilitation?

The Mayor Clr T D Gair advised that Werai Road is not a main road but is an arterial road so Council will be maintaining it.

10. GREEN CAR POLICY

841/5, 7980/3

Clr J R Clark referred to a motion put forward by Clr Whipper a couple of years ago to review Council's green car policy. Clr Clark stated that there had been no action since that time to initiate a review and asked if the review could be commenced in the near future.

The Acting General Manager advised that there is a "green car" option available to staff and there has been a very successful take-up rate. He advised that a breakdown of Council's fleet of cars can be provided in the Weekly Circular.

The Mayor Clr T D Gair advised that once the information has been provided in the Circular, Clr Clark then can decide if he would like the matter to be reviewed further.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 October 2009

GENERAL BUSINESS

11. ROBERTSON SEWERAGE SCHEME - CONSULTATION

7650/1

Clr L A C Whipper referred to a newsletter he had received about the Robertson Sewerage Scheme and noted that a public forum is to be held later this month in relation to the plans for the route of the sewer lines, and asked if Councillors will be having a briefing before this so that they are familiar with the detail.

The Acting Director Infrastructure Services advised that the Department of Commerce is handling the consultation with the landowners after determining the route and at this stage there is no plan to consult with Councillors before that, but this may be able to be arranged.

Clr Whipper suggested that it would be helpful for Councillors to be informed as he was under the impression that at the public meeting there will be an opportunity for the routes to be changed if there were any issues raised.

The Mayor Clr T D Gair advised if a meeting cannot be arranged then a map could be provided.

Council's Acting Director Infrastructure Services advised that a map can be produced and provided to Councillors.

The Mayor advised that Council will approach the Department of Commerce so that the proposed outline can be circulated to Councillors.

12. HIGHLANDS ALIVE LAUNCH

107/24

Clr L A C Whipper asked if the Hon Phillip Costa, MP, Minister for Regional Development, was invited to the Highlands Alive Launch on Friday, 18 September 2009 and if not, why not?

The Mayor Clr T D Gair advised that Mr Costa was not invited as he had been at the initial launch of the CD at Bradman Museum earlier in the year. The Mayor advised that a letter of apology was forwarded to Mr Costa and that he (the Mayor) had spoken to Mr Costa personally on two occasions acknowledging that there was an oversight on behalf of Council in relation to this matter. The Mayor stated that Mr Costa was very supportive of the project and that a further announcement will be made within the next couple of weeks which will be of extreme importance to the Southern Highlands.

Clr Whipper stated that he was pleased that a letter of apology had been sent to Mr Costa.

Clr G McLaughlin advised that the Mayor did highlight in his address at the launch that the money had come from the State Government and that he (the Mayor) had thanked Mr Costa at the time.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 October 2009

GENERAL BUSINESS

13. ROADWORKS AT EXETER

1603/8, 7460/16

Clr P B Tuddenham referred to roadworks at Exeter which had been dealt with at the Traffic Committee and noted that a design is being prepared to work out how best to deal with the very difficult intersection. He said that some suggestions have been made for the works, which will be referred to the Exeter Village Association.

14. GARAGE SALE SIGNS

7415, 5501/5, 5613

Clr P B Tuddenham referred to a request received from the Berrima Bus Company for Council's assistance with "garage sale" signs. Clr Tuddenham advised that the Bus Company was concerned that many of the signs are being placed on mountable roundabouts and that bus drivers have been removing these signs, however, on one occasion when the sign was not removed, it was found that the cardboard box contained six besser blocks which caused considerable damage to the bus. Clr Tuddenham asked how these signs can be dealt with by Council.

The Acting General Manager noted that if Council wants the Rangers or other staff to take action in relation to these signs, then it needs to be formalised.

The Mayor Clr T D Gair suggested that the best way to deal with this matter would be through an advertising campaign in "Wingecarribee Today", as Council has elected not to prosecute those who put up garage sale signs as long as the signs are taken down on the same day. The Mayor stated that Council can ask that signs not be placed on mountable roundabouts or any other roundabout.



CORPORATE SERVICES DIVISION

c-CS1 Closed Council

To consider moving into Closed Council.

At this juncture, the time being 7.05 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 Terry Oakes-Ash asked what projects the development consents refer to in Item c-EP1.

The Mayor, Clr T D Gair advised the projects are the Intersection in Bowral and Corner Wingecarribee Street and Station Street, Bowral.

The Acting Director Corporate Services advised of a Supplementary Report to Closed Council relating to the Lease of Public Golf Course at Centennial Road, Bowral.

MN 449/09

MOTION moved by Clr G McLaughlin 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 report:

c-GM1 COMPLIANCE WITH OUTSTANDING CONDITIONS OF DEVELOPMENT CONSENTS

LUA05/0634, LUA05/0732

Relevant Legal Provision

This report is placed in Closed Committee 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, as provided by Section 10A, Clause 2(g) of the Local Government Act 1993.

Brief Description

Compliance with outstanding conditions of development consent for LUA05/0634 and LUA05/0732.

Public Interest

It is not in the public interest to consider this information in Open Council because it contains information which contains advice concerning litigation.



SUPPLEMENTARY REPORT

c-GM2 LEASE OF PUBLIC GOLF COURSE, CENTENNIAL ROAD, BOWRAL
6612/1.1, N215900

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

Reporting on an amendment to the Lease.

Public Interest

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

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, 14 October 2009

CLOSED COUNCIL

CLOSED COUNCIL

c-GM1 Compliance with Outstanding Conditions of Development Consents

REF: DEP

LUA05/0634, LUA05/0732

Relevant Legal Provision

This report is placed in Closed Committee 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, as provided by Section 10A, Clause 2(g) of the Local Government Act 1993.

Brief Description

Compliance with outstanding conditions of development consent for LUA05/0634 and LUA05/0732.

Public Interest

It is not in the public interest to consider this information in Open Council because it contains information which contains advice concerning litigation.

Council's Acting General Manager, Mr Scott Lee, addressed Council on this matter.

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

THAT Council request B Bilinsky Solicitor to correspond with the owners of Lot 1 DP 986877 Station Street Bowral and Lot 1 DP 1126492 and Lot 1 DP 746864 Corner Bowral and Station Streets Bowral indicating it is Councils intention to commence court action relating to outstanding conditions of development consents on the subject properties.

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	



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 October 2009

CLOSED COUNCIL

SUPPLEMENTARY REPORT

c-GM2 Lease of Public Golf Course, Centennial Road, Bowral

REF: ADCS

6612/1.1, PN215900

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

Reporting on an amendment to the Lease.

Public Interest

It would on balance 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 Cllr D Stranger and seconded by Cllr J G Arkwright
RECOMMENDED:

1. **THAT** having regard to negotiations with the Lessee in regard to rates for the Centennial Road Golf Course a revised financial package be adopted as follow:

Annual Lease	\$20,000 (indexed to CPI)
Annual General Rates and Charges	50% of levy annually (\$6,566 for 2009/2010)
Water Charges	User pay (Lessee)
Tree maintenance	\$10,000 (maximum – indexed to CPI)
Weed Maintenance	\$2,500 (minimum – indexed to CPI)
TOTAL RETURN	\$39,066 per annum

2. **THAT** the above recommendation be reviewed by Council's legal adviser for its concurrence.

PASSED

EXTENSION OF TIME

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

THAT in accordance with Council's Code of Meeting Practice, Council approves an extension of time to 8.00 pm.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 October 2009

OPEN COUNCIL

107/10

MN 450/09

MOTION moved by Clr P B Tuddenham 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

107/9

MN 451/09

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

THAT the recommendations of the Closed Council held on Wednesday, 14 October 2009 (Items c-GM1 and c-GM2) be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

107/10

MN 452/09

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

THAT the recommendations of the Open Council held on Wednesday, 14 October 2009 being OC 144/09 to OC 155/09, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 October 2009

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.10 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 14 October 2009 numbered M/N 424/09 to M/N 452/09, were signed by me hereunder at the Council Meeting held on Wednesday, 28 October 2009.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 28 OCTOBER 2009

CHAIRMAN

ACTING PUBLIC OFFICER