

# MINUTES

## OF THE ORDINARY MEETING OF COUNCIL

*File No. 100/09*



held on Wednesday, 28 October 2009

The meeting commenced at 3.32 pm.



**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 October 2009

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 28 October 2009

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**COMMENCING AT:** 3.32 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
Director Corporate Services	Mr Barry Paull
Acting Director Infrastructure Services	Mr Peter Bowmer
Manager Administration Services	Mr Peter Nelson
Administration Officer	Ms Liz Johnson

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### PRAYER

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100/1

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

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### ACKNOWLEDGEMENT OF COUNTRY

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1826/4

The Mayor Clr T D Gair 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."*

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### APOLOGY

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*There were no apologies at this meeting.*

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### CONFIRMATION OF MINUTES

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 14  
OCTOBER 2009

100/1

**MN 453/09**

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

**THAT** the minutes of the Ordinary Meeting of Council held on Wednesday, 14 October 2009 MN 424/09 to MN 452/09 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

**PASSED**

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### BUSINESS ARISING

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Clr J Mauger referred to General Business Questions that Councillors ask at meetings noting that the replies are put in the Weekly Circular and are not recorded in the Minutes. Clr Mauger stated that the public hears the questions asked by Councillors at the Council Meeting but they then do not know what the answers to the questions are, and asked if the answers should be included in the Minutes.

The Mayor Clr T D Gair advised that the normal practise is for replies to be placed in the Weekly Circular and to date everyone has been happy with that.

The Director Corporate Services, Mr Barry Paull, responded that if a Councillor particularly wants a matter before Council to be recorded in the Minutes it would normally be the process of a Question with Notice and there would be either a comment added to that Question with Notice or advice provided at a future date. He advised that when Council goes into General Business, questions raised by Councillors are quite often taken on notice and an answer is provided in the Weekly Circular and that has been the standard practise. Mr Paull advised that if Councillors now wants the replies recorded in the Minutes, the issue is that a report will have to be brought back to Council because if the questions are not answered on the night, as the matter has to be researched and a response provided, then that has been done through the Weekly Circular. He advised that the alternative is that the replies are provided by a report to Council.

Clr Mauger questioned the procedure as he stated that people who sit in the gallery at Council meetings hear the questions asked by Councillors and may like to hear the reply to those questions, and they are denied any chance of seeing those replies.

The Mayor stated that if a question is asked publicly then the Councillor who asked the question would be the conduit for the answer.

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Clr Mauger stated that means that when the Weekly Circular comes out there is no requirement on a Councillor not to divulge what is in it to any other person.

The Mayor advised that as far as he is aware the Weekly Circular is information for Councillors.

The Acting General Manager, Mr Scott Lee, pointed out that the Weekly Circular is prepared for the benefit of Councillors and is not generally for public consumption but that it does not contain confidential information.

The Mayor advised that if questions are asked and answered via the Weekly Circular, then there is no reason for Clr Mauger not to make it public. He advised that the Acting General Manager has clarified the matter – it is not used as a public circular but is for Councillors information.

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### PRESENTATION – MS ROBYN MURRAY

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The Mayor Clr T D Gair, on behalf of Councillors, recognised the service of Ms Robyn Murray during her time as a Journalist with the Southern Highland News. He stated that Ms Murray is leaving the Southern Highlands to take up editorial duties at Mudgee and he presented her with a Certificate of Appreciation from Council which read “*On behalf of the Wingecarribee Shire community, Councillors and Council staff, I wish to personally convey my sincere thanks to you for your professionalism, fairness, honesty and outstanding reporting of Council and community matters since you moved to Bowral to work with the Southern Highland News in 2004.*” The Mayor congratulated Ms Murray and wished her well in her future endeavours.

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**DECLARATIONS OF INTEREST**

*101/3*

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There were no declarations of interest at this meeting.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 October 2009

### MAYORAL MINUTE

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#### MAYORAL MINUTE

#### c-MM1 Proposed Community Cultural Centre and Botanic Garden

REF: AGM

6500/22, 6535/11 (cc 102/5)

Reporting on a long term vision to establish a community cultural centre and botanic garden on the former Skin Shed land, at the corner of Kangaloon and Old South Roads in Bowral.

Clr L A C Whipper noted on page 6 of the Mayoral Minute (third paragraph from the bottom) the quote “from little things big things grow” should correctly be attributed to Ken Carmody, an Aboriginal songwriter, who had penned the words or co-authored them with Paul Kelly.

**MN 454/09**

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

1. **THAT** the concept plans for a community cultural centre on the former Skin Shed land, at the corner of Kangaloon and Old South Roads in Bowral, incorporating a botanic garden be put on public exhibition at the Civic Centre in Moss Vale and on Council’s website, until the end of the year, inviting submissions from the Wingecarribee community and all Committees of Council, about any aspect of the proposal, with a view to considering a further report in early 2010 incorporating this community input.
2. **THAT** letters of appreciation be sent to Paul Ramsay, Director of the Ramsay Group Tom Illy and the architects Marchese Partners International, as well as landscape designer Chris and Charlotte Webb, for their generous donation of professional skills to come up with concept plans for the community to consider.
3. **THAT** a funding source be identified for the initial community consultation to develop a Plan of Management for the community land that was once the former Skin Shed land, at the corner of Kangaloon and Old South Roads in Bowral.

**PASSED**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
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**OPEN COUNCIL**

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**OPEN COUNCIL**

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***MN 455/09***

107/10

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

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

**PASSED**

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**VISITOR ITEM**

**ENVIRONMENT & PLANNING DIVISION**

**v-EP1 Proposed Staged Development for a Rural Dwelling – Lots 71 & 72,  
DP13350, Old Jamberoo Road, Robertson**

REF: DBSM

LUA09/0653

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

Mr Shannon Webb, the Applicant addressed Council on the matter.

Mr David McGowan, Consultant Town Planner (on behalf of Council), addressed Council on the matter.

**OC 156/09**

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

**THAT the development application for staged development consent (LUA2009/0653) for the erection of a dwelling house on Lots 71 and 72 DP 13350 Old Jamberoo Road, Robertson, be refused for the following reasons:**

- i) The application is not permitted under Clause 13(3) of Wingecarribee Local Environmental Plan 1989 and proposed Draft Wingecarribee Local Environmental Plan 2009 Clause 4.2A(c).***
- ii) Approval of a dwelling on the land will have a cumulative impact and create a precedent for the lodgement and approval of other dwelling applications in the locality and the Shire which will undermine the planning objective of limiting dwelling potential on rural land to generally a density of one (1) dwelling per 40 ha or upon remaining existing parcels.***
- iii) The land is relatively remote from the provision of services and a further dwelling, and other potential dwellings, will create a demand for additional public services and there are limited public resources to provide these services.***

**PASSED**

.....Cont'd



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**REPORT OF DIRECTOR ENVIRONMENT & PLANNING**

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.....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.

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

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## INFRASTRUCTURE SERVICES DIVISION

<b>v-IS1</b>	<b>Implementation of Liquid Trade Waste Charges</b>
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REF:	WSM	7690/11, 5456/14
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Reporting on the implementation of the Liquid Trade Waste Charges.

Note: Attachment 1 was omitted from the Business Paper and was distributed to Councillors at the Meeting.

Council's Water & Sewer Manager, Mr Selva Selvaratnum, addressed Council. He noted a correction to the Application Fee on page 2 of the Attachment in Category 2 and 2S which should be \$125.00.

### **OC 157/09**

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

1. **THAT Liquid Trade Waste charges be introduced from the 2009/10 second water and sewerage billing period and be included in the water and sewerage invoices to be mailed in January 2010.**
2. **THAT the one off application fee be waived for all existing liquid trade waste dischargers.**
3. **THAT the Liquid Trade Waste charges be phased in over a two year period with the charges reduced to 50% of the adopted/advertised charges in the first year and increased to full charges thereafter.**
4. **THAT a notification/information letter be sent to all Liquid Trade Waste customers.**

**PASSED**

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**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 6 October 2009 and 21 October 2009.

**OC 158/09**

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

**THAT the information relating to Development Consent Nos 1 – 5 under Delegated Authority (Table One), be received and noted.**

**PASSED**

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**o-EP2 List of Land Use Applications Received by Council**

REF: DBSM 5302

Submitting list of development applications which have been received between 6 October 2009 and 21 October 2009, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

**OC 159/09**

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

**THAT the information regarding the List of Land Use Applications Nos 1 to 12 received by Council be received and noted.**

**PASSED**

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**Matters Arising from Land Use Applications Received by Council**

1. ITEM 2 - 2 LOT SUBDIVISION, COURT HOUSE, BENDOOLEY STREET, BOWRAL  
LUA09/0913

Clr J G Arkwright asked for some further information in relation to the 2 lot subdivision at the Bowral Court House.

Clr J R Clark noted this matter came before the Heritage Committee and that there was some concern about the potential of the subdivision to leave sufficient space for the curtilage of the Court House Building. He stated that there had been some comments about the need to provide sufficient space between the Court House and the adjoining building, and he asked if this matter will be dealt with under delegated authority or come back to Council.

The Acting General Manager, Mr Scott Lee, advised that further details will be provided in the Weekly Circular but that if Councillors wish to deal with the matter, then they can indicate that way at the next Council Meeting. He stated that the matter should not be finalised before the next Council Meeting.

Clr L A C Whipper asked if this was the Bowral Police Station and, if so, could the matter be brought back to Council for determination. Clr Whipper stated the matter should come to Council for determination and that he was prepared to move a motion that way.

**OC 160/09**

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

***THAT Item 2 - 2 Lot Subdivision, Court House, Bendooley Street, Bowral (LUA09/0913), be referred to Council for 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.

<b>Councillor</b>	<b>For</b>	<b>Against</b>
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	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 ENVIRONMENT & PLANNING

2. ITEM 1 – GARAGE AND STORE BUILDING, PATHWAYS, GATES, DRIVEWAY AND FENCE ALTERATIONS AND DEMOLITION, RESIDENCE 2 BENDOOLEY STREET, BOWRAL LUA09/0955

Clr J G Arkwright asked for further details in relation to this item.

The Acting General Manager, Mr Scott Lee, advised that further details will be provided in the Weekly Circular.

Clr L A C Whipper stated that this matter should come to Council for determination and that he was prepared to move a motion that way.

#### **OC 161/09**

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

***THAT Item 1 – Garage and Store Building, Pathways, Gates, Driveway and Fence Alterations and Demolition, Residence 2 Bendooley Street, Bowral (LUA09/0955) be referred to Council for 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.

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

3. ITEM 8 – EQUESTRIAN EVENTS, "AMBER VALE" WALLABY HILL ROAD, ROBERTSON LUA09/0903

Clr L A C Whipper asked for further information in relation to this matter.

The Acting General Manager, Mr Scott Lee, advised that further details will be provided in the Weekly Circular.



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**REPORT OF DIRECTOR ENVIRONMENT & PLANNING**

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4. ITEM 11 – EQUINE AGISTMENT FACILITY, BONG BONG FARM, HEADLAM ROAD, MOSS VALE LUA09/0924

Clr L A C Whipper asked for further information in relation to this development.

The Acting General Manager, Mr Scott Lee, advised that further details will be provided in the Weekly Circular.

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**o-EP3 Proposed Realignment of Part of Bodycott's Lane and Boundary  
Adjustment Accompanied by a SEPP 1 Objection: Sheepwash Road, Avoca**

REF: DBSM LUA09/0679

Reporting on a realignment of part of Bodycott's Lane and boundary adjustment accompanied by a SEPP 1 Objection lodged for lots 1 & 2 DP 829931 Sheepwash Rd, Avoca.

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

**OC 162/09**

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

**THAT Council delegate authority to the Director, Environment & Planning to issue an approval notice for the proposed Boundary Adjustment and SEPP 1 Objection for Lots 1 & 2 DP 829931, Sheepwash Road, Avoca, 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.

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



**o-EP4 Section 82A Review, Commercial Development, Lot 6 DP1018190 West Parade, Hill Top**

REF: DBSM

LUA07/0570

Reporting on an application pursuant to section 82A of the *Environmental Planning and Assessment Act, 1979*, for a review of Council's decision to refuse the development application for a commercial development comprised of 4 commercial/retail premises on Lot 6 DP1010190 West Parade, Hill Top.

**Interest:** Clr L A C Whipper declared a non-pecuniary interest in this matter as the Applicant ran on his ticket at the last Council elections. 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 163/09**

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

**THAT** pursuant to section 82A of the *Environmental Planning and Assessment Act, 1979*, Council reviewed its decision of 5 December 2007 and having regard to such review, now approves LUA 2007/0570 for a commercial development comprising four (4) commercial/retail premises at Lot 6 DP 1018190 West Parade, Hill Top.

**PASSED**

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

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



<b>o-EP5      Erection of Security Fence</b>
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REF:      DBSM	LUA07/0702
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Reporting on the erection of a security fence and new gates at Corbett Gardens, Bowral.

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

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

**OC 164/09**

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

**THAT LUA07/0702 for fencing, piers and gates to Corbett Gardens, Bowral, be approved subject to conditions of consent as determined by the Director Environment and Planning.**

**PASSED**

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**o-EP6 Proposed Studio and Machinery Shed Lot 107 DP 15496 Gibraltar Road, Mittagong**

REF: DBSM

LUA09/0710

Reporting on a proposed studio and machinery shed at Lot 107 DP15496 Gibraltar Road, Mittagong.

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

**OC 165/09**

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

**THAT the Director Environment & Planning prepare an approval notice for the erection of a studio and machinery shed AND THAT the conditions of consent be referred to the Ordinary Council Meeting to be held on Wednesday, 11 November 2009, prior to the issue of the approval.**

**PASSED**

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

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



**o-EP7 Proposed Communications Tower, Lease of Part Lot 10 DP 701530, Oxleys Hill Reserve, Oxleys Hill Road, Bowral**

REF: DBSM

LUA09/0720

Reporting on the proposed construction of a telecommunications facility being a square section tower 27 metres high and the lease of Part Lot 10 DP 701530, Oxleys Hill Reserve, Oxleys Hill Road, Bowral.

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

**OC 166/09**

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

**THAT the development application LUA2009/0720 for the erection of a telecommunications tower and ancillary facilities on Lot 10 DP 701530, Oxleys Hill Reserve, Oxleys Hill Road, Bowral be approved subject to standard conditions, and special conditions including:**

- (i) The maximum height of the tower is to be 27 metres; and**
- (ii) The tower must be made available for the co-location of similar telecommunication services should the need arise.**

**PASSED**

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

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



**o-EP8 Establishment of the Wingecarribee Community Arts Trust and Board**

REF: SPM 1650

The purpose of this report is to seek a Council resolution to proceed with the preparation of a Draft Deed of Trust in relation to setting up the Wingecarribee Arts Trust (WAT) and Board.

**OC 167/09**

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

1. **THAT Council proceed with the establishment of The Wingecarribee Arts Trust (WAT).**
2. **THAT Council resolve to issue instructions to its Solicitor to proceed with the drafting of the Trust Deed.**
3. **THAT a further report be submitted to Council with the Draft Deed Trust once it has been drafted.**

**PASSED**

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**CHAIRPERSON**

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At this juncture, the time being 5.36 pm, the Mayor, Clr T D Gair, resumed the Chair to conduct the remainder of Council Business.

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**QUESTIONS FROM THE PUBLIC**

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1. TRAFFIC ISSUE IN EXETER 7460/16

Mrs Pam Cooper asked about a traffic issue that arose at Exeter on Saturday, 10 October 2009 when many people attended the "Crazy Cozy" exhibition in the Hall. Mrs Cooper stated that the gates to the Exeter Park were closed and that traffic was parked on both sides of Exeter Road and although parking directions were posted in Badgery's Way, this was not utilised and resulted in traffic congestion. She asked what guidelines should be brought to the attention of organisers of events held in the Exeter Hall and Park when a considerable number of visitors are expected.

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

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2. NEW AMENITIES BLOCK AT EXETER PARK 6536/1

Mrs Pam Cooper stated that with the many people who had attended the "Crazy Cozy" exhibition on Saturday, 10 October 2009, the toilets at the Exeter Park had become blocked. She said that the problem was attended to promptly by Council staff, but with the likelihood of more frequent events being held in the hall, asked if Council will expedite the building of the new amenities block at Exeter Park.

Council's Acting Director Infrastructure Services, Mr Peter Bowmer, replied that this issue has been placed on hold at this time as Council had called tenders which were over-budget. He advised that there is the possibility of reviewing the tenders but that will be up to the community coming back to Council with a way forward, noting that some discussions have already been held.

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3. PROPOSED COMMUNITY CULTURAL CENTRE AND BOTANIC GARDEN  
6500/22, 6535/11, (CC 102/5)

Mr Barry Anstee asked the following questions in relation to this item on today's Agenda:

- (i) Will Council refer the concept plan to the Traffic Committee and RTA with a view that direct access be provided to the site from the existing roundabout and any amendment to the draft LEP be formulated and proposed as required?

The Mayor Clr T D Gair advised that it will be referred to the Traffic Committee.

- (ii) Will Council develop an economic business plan for the commercial running of the cultural centre prior to developing a brief to architects for the design of the centre so that the centre has a viable business plan to be run by and uses that support the business plan?

The Mayor advised that Mr Anstee had raised a very valid point and that Council will determine its position once it has received community feedback in the new year.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 October 2009

### QUESTIONS FROM THE PUBLIC

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#### 4. TREES ON THE VERGES OF ROADS

7810/10.1, 7813/1

Mr Barry Anstee referred to his question at the Council Meeting on Wednesday, 11 March 2009 and to Item o-IS2 on today's Agenda, and asked if Council will consider roads which act as escape routes in times of bushfire being treated differently in terms of tree preservation and planting so that escape is not impeded in times of severe bushfires. He asked if the policy will incorporate a system of business sponsoring a road maintenance/preservation scheme within this policy. He noted that his concern was that with the bushfires that occurred in Victoria people could not get out because trees fell across the roads.

Council's Acting Director Infrastructure Services, Mr Peter Bowmer, advised that the Local Emergency Management Committee has met on a couple of occasions in the last month on these issues, particularly with the recommendations that came about as the result of Victorian bushfires. He stated that at present Council is working with the Rural Fire Service on this matter and any roadside that is identified as a potential hazard will be hazard-reduced, and is also working on "neighbourhood safer places" with a view to the new ratings for the fire season of "High", "Extreme" and "Catastrophic". He advised that the Rural Fire Service will have procedures in place for the community to act on and there will also be places designated as "safe places" for the community to evacuate to without impacting on the roadside, but this is being driven by the Rural Fire Service and the Local Emergency Management Committee and it is not a role of Council.

The Mayor Clr T D Gair noted that the recommendations that Mr Bowmer spoke about came before the Wingecarribee Bushfire Management Committee last Friday and were endorsed by that Committee.

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#### 5. ESTABLISHMENT OF THE WINGECARRIBEE COMMUNITY ARTS TRUST AND BOARD

1650

Mr Terry Oakes-Ash commended Council for the start-up of the WAT fund and asked the following questions:

- (i) Is there a start-up fund, other than the possibility of Mr and Mrs Tyree's donation being put into the new Trust Fund, as the Mary Poppins Group would like some financial assistance with their statue?
- (ii) What will be the conditions for funding applications?

Clr J G Arkwright advised that there are no immediate moneys to go into the Trust Fund but that she will provide a written response with some more detail to Mr Oakes-Ash.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 October 2009

### QUESTIONS FROM THE PUBLIC

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6. LEASE OF PUBLIC GOLF COURSE, CENTENNIAL ROAD, BOWRAL

6612/1.1, PN215900

Mr Ian Scandrett referred to the Minutes of the Meeting of Council of Wednesday, 14 October 2009 in relation to this matter and asked the following questions:

- (i) What was the income to ratepayers in the lease approved in late 2008 and recommended to the Minister?

The Director Corporate Services advised that there was a package, the total sum of which was about \$36,000, which has now been increased to about \$39,500.

- (ii) What is the actual income (cash) to Council that was under that lease, not offsets and so on, but the actual cheques that were going to come to Council per annum?

The Mayor advised \$2,500 less.

- (iii) What is the resultant income/loss to ratepayers under the new proposal?

The Mayor advised Nil – an increase.

- (iv) Mr Scandrett stated that his advice suggests that there is a cause for what he perceived to be a loss of income to ratepayers and he asked where the problem arose, was it with Councillors, the Council staff, the lawyers or maybe a matter of instruction with the lawyers and asked for some more detail, and why was the matter not dealt with in open Council?

The Mayor advised that there was an internal document which was used to determine the lease amount and that the amount agreed on by the full Council was less than what was actually in the lease. He stated that when the applicant raised the point with Council, there was an admission on both sides, and without going into the whole detail, Council and the applicant split the difference and Council has received more and the applicant pays a little less.

Mr Scandrett stated that from the Minutes of Closed Council two weeks ago, it appears that Council has foregone, in this confusion, a sum of about \$130,000 over the next 21 years of the lease, excluding any indexing or the 9½% cumulative rate increase and asked for clarification on this issue.

The Mayor advised that the lease is up for review in seven (7) years, so there will be a review of the leasing arrangements after seven (7) years and then on the fourteenth (14<sup>th</sup>) year, so there will be two further reviews of the lease.

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**ENVIRONMENT & PLANNING DIVISION (CONT)**

**o-EP9 Development Control Plan No 62 – OLSH Site**

REF: SPM

5800/62

Reporting on a letter from the Minister for Planning directing Council to revoke Development Control Plan (DCP) No 62 relating to the OLSH site.

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

**MN 456/09**

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

1. **THAT** Council acknowledge the letter dated 6 October 2009 from the Minister for Planning.
2. **THAT** Council advise the Minister for Planning that Development Control Plan No 62 ('DCP No 62') cannot be revoked or amended, until such time as the Council has assessed the compatibility of the site in respect to which DCP No 62 applies, strictly in accordance with State Environmental Planning Policy (Housing for Seniors and Disabled Persons), 2004, and has determined whether such assessment justifies the adoption of an alternate Development Control Plan, taking into account the views of the property owner and the local community.
3. **THAT** Council commit to a review of the Development Control Plan no later than 30 April 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.

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



**o-EP10 Draft Moss Vale Development Control Plan (DCP)**

REF: SPM 5700/66

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

**MN 457/09**

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

1. **THAT Council adopt the Draft Moss Vale Development Control Plan as attached incorporating changes as shown in the attached document.**
2. **THAT Council implement the Moss Vale 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 possible changes that arise in the first twelve (12) months of the implementation of the DCP be referred to Council for consideration.**
5. **THAT the owners of commercial premises be requested to display street numbering for their premises.**
6. **THAT Council acknowledge the efforts of Council's Strategic Planning Branch in the preparation of the Development Control Plan and the community of Moss Vale for their assistance.**

**PASSED**

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

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



**o-EP11 Proposed Extraction of Trachyte: Mt Gibraltar**

REF: DEP PN 457300, PN801900, PN375300; PN1111002; PN1111001

The NSW Department of Commerce and the Sydney City Council have requested access to freshly quarried trachyte from the Mt Gibraltar Quarries for the maintenance of historic buildings as a part of the NSW Government's Centenary Stonework Program. The project would involve extraction of new material from the quarry.

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

**MN 458/09**

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

1. **THAT** the request by the NSW Department of Commerce and Sydney City Council be supported on the condition that:
  - a) **material extracted only be used for the conservation and maintenance of heritage significant buildings or structures;**
  - b) **Council is reimbursed for the material through works in kind and monetary payment;**
  - c) **the issues set out in the Environmental Controls for Micro Syenite Extraction, as described in Attachment 2, are addressed;**
  - d) **quarry rehabilitation and improvements be at the expense of the NSW Department of Commerce and Sydney City Council;**
  - e) **the Mt Gibraltar Landcare and Bushcare Group be consulted on the rehabilitation and improvements;**
  - f) **any moneys received by Council for the extraction of the trachyte be for the benefit of the Mt Gibraltar Reserve;**
  - g) **Council request the Department of Commerce and Sydney City Council to quantify the quantity of the material that is to be extracted;**
  - h) **this matter be determined by appropriate environmental impact assessment.**
2. **THAT** this project be assessed under Part 3A of the Environmental Planning and Assessment Act, 1979.
3. **THAT** a community liaison group including members of the Mt Gibraltar Landcare and Bushcare Group be established for the life of this project.

**PASSED**

.....Cont'd



**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 October 2009  
**REPORT OF DIRECTOR ENVIRONMENT & PLANNING**

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.....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.

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

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**CORPORATE SERVICES DIVISION**

<b>o-CS1</b>	<b>Investments as at 30 September 2009</b>
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REF: FSM	2104
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Submitting details of Council's Investments as at 30 September 2009.

The Director Corporate Services addressed Council on this matter.

***MN 459/09***

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

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

***PASSED***

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<b>o-CS2</b>	<b>Commencement of the Local Government Amendment (Planning and Reporting) Act 2009</b>
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REF:	DCS	500/2.4
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Reporting on the commencement of the Local Government Amendment (Planning and Reporting) Act 2009 as per Council Minute Number 379/09 *'THAT Council note this report with a further report to be provided following debate of the Bill in the Spring session of parliament'*.

**MN 460/09**

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

1. **THAT Council resolve to nominate for inclusion in Group 2: Community Strategic Plan and Delivery Program adopted by 30 June 2011.**
2. **THAT Council confirm endorsement of the following project milestones:**

<b>Wednesday 9 December 2009</b>	<b>Councillor Strategic Workshop</b>
<b>February 2010</b>	<b>Further Councillor Strategic Workshop</b>
<b>March – June 2010</b>	<b>Community Engagement</b>
<b>July 2010</b>	<b>Councillor Workshop to present Community Engagement findings</b>
<b>September-October 2010</b>	<b>Exhibit Draft Community Strategic Plan</b>
<b>November 2010</b>	<b>Council adopt Community Strategic Plan</b>

**PASSED**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 October 2009

**REPORT OF DIRECTOR CORPORATE SERVICES**

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**o-CS3 Draft Plan of Management for Oxley Hill Reserve, being Lot 10 Deposited Plan 701530 and Lot 1 Deposited Plan 58392, Oxley Hill Road, Bowral**

REF.	PO, APO	PN1132600, PN1132900
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Request that Council consider the draft Plan of Management for Oxley Hill Reserve being Lot 10 Deposited Plan 701530 and Lot 1 Deposited Plan 583992 Oxley Hill Road, Bowral, for adoption.

**MN 461/09**

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

1. **THAT** the draft Plan of Management for Community Land known as Oxley Hill Reserve, Oxley Hill Road, Bowral being Lot 10 Deposited Plan 701530 and Lot 1 Deposited Plan 583992 be adopted **AND THAT** this document be known as "Plan of Management for Oxley Hill Reserve, Oxley Hill Road, Bowral".
2. **THAT** Council acknowledge the work undertaken by Council's Assistant Property Manager, Mr Scott Hayes, in the preparation of the draft Plan of Management.

**PASSED**

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<b>o-CS4 Bundanoon Highland Gathering</b>
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REF: FSM	2155/1, 1671/3
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Reporting on a request by the Bundanoon Highland Gathering Committee to waive fees for hire of Bundanoon Oval.

**MN 462/09**

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

1. **THAT Council provide a donation of \$220.00 from the contingency vote to offset the 2009 costs associated with the hire of the Bundanoon Oval by the Bundanoon Highland Gathering.**
2. **THAT Council confirm its support of the Bundanoon Highland Gathering for the next three (3) years and provide a donation from the contingency vote on an annual basis equivalent to the Bundanoon Oval hire fees for the 2010 to 2012 Bundanoon Highland Gathering.**

**PASSED**

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**INFRASTRUCTURE SERVICES DIVISION**

**o-IS1 Regional and Local Community Infrastructure Programs**

REF: DIS 2151/3, 2151/4

Reporting on round two of additional funding of \$220 million, by the Federal Government for the Regional and Local Community Infrastructure Programs (RLCIP) in 2009-2010.

**MN 463/09**

**MOTION** moved by Cllr D Stranger and seconded by Cllr G McLaughlin:

**THAT** Council adopt the following works program for expenditure of the \$326,000 under the Regional & Local Community Infrastructure Program 2009-10 (RLCIP) grant (non-competitive), as follows:

<b>Priority</b>	<b>Project</b>	<b>Estimate</b>
<b>1</b>	<b>Mittagong to Welby Shared Pathway</b>	<b>\$126,000</b>
<b>2</b>	<b>Velodrome Resurfacing at Eridge Park</b>	<b>\$100,000</b>
<b>3</b>	<b>Mittagong Playhouse – Compliance with Legislated Fire Regulations</b>	<b>\$ 60,000</b>
<b>4</b>	<b>Saleyards Electronic Loading Ramp</b>	<b>\$ 40,000</b>
	<b>TOTAL</b>	<b>\$326,000</b>

**PASSED**

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<b>o-IS2</b>	<b>Tree Management Policy</b>
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REF:	PPM	7813
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The purpose of the report is to review and adopt changes to Council's Policy of Trees to reflect current management practices.

Council's Parks & Property Manager, Mr Peter Bowmer, addressed Council on this matter.

**MN 464/09**

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

1. **THAT** the revised Policy for the Management of Trees on Council Roadside Reserves be adopted and that the Policy be renamed "Management of Trees on Public Land Policy".
2. **THAT** the "Road Side Management Plan and Procedures Manual" be revised to meet the requirements of the updated policy and it be renamed Tree Management Plan and Procedures Manual.
3. **THAT** consultation and input be sought from stakeholders including Council's Linear Reserve Group for the review of the Procedure Manual.

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 October 2009

### QUESTIONS WITH NOTICE

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#### COUNCIL MATTERS

#### QUESTIONS WITH NOTICE

#### c-QWN1 QWN 03/09 – Illegal Action

REF: GM

101/2

Reporting on a Question with Notice raised by Clr J Mauger on Illegal Action.

A comment to Clr Mauger's question was supplied by the Director Corporate Services.

***MN 465/09***

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

***THAT the Question with Notice concerning Illegal Action be received and noted.***

***PASSED***

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**COMMITTEE REPORTS ATTACHED**

<b>c-CR1</b>	<b>Minutes of the Traffic Committee</b>
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REF:	TE	107/6
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Submitting minutes of the Traffic Committee held Monday, 12 October 2009.

**MN 466/09**

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

**THAT** recommendations Nos TC101/09 to TC122/09 as detailed in the minutes of the Traffic Committee held Monday, 12 October 2009 be adopted with the exception of Recommendation No TC121/09 Additional Item 1 – Unauthorised Garage Sale Signs on Roundabouts.

**PASSED**

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1. ADDITIONAL ITEM 1 – UNAUTHORISED GARAGE SALE SIGNS ON ROUNDABOUTS 7321, 7451

**MN 467/09**

**MOTION** moved by Clr K Halstead and seconded by Clr P B Tuddenham:

**THAT** Council's Newsletter and advertisement pages in the Southern Highland News and the Highlands Post be used to advise residents that the unauthorised placing of any materials including garage sale signs on roundabouts is an offence **AND THAT** offenders will be prosecuted under the Roads Act, 1993 and the Local Government Act, 1993.

**PASSED**

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**GENERAL BUSINESS**

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1. COURT HOUSE IN BOWRAL 1430/2

Clr P B Tuddenham asked if there is any way that Council can approach the State Government with a view to purchasing the Court House in Bowral, and noted the heritage aspect of the building.

The Mayor Clr T D Gair advised that approaches had been made by Ms Pru Goward, MP, and that information will be placed in the Weekly Circular.

Clr Tuddenham suggested that further representations should be made to purchase the building.

The Mayor said that a further letter can be written.

Clr J G Arkwright advised that Mr Barry Farrell, MP, the Leader of the NSW Opposition Leader, categorically stated to the Local Government Conference on Monday that the Opposition will remove heritage items from the Planning Department and these items will be dealt with separately, as there had been such a perception or contradiction of having heritage items handled by the Planning Department.

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2. COUNCIL'S POOLS POLICY 6700/1

Clr L A C Whipper referred to correspondence he had received in relation to the perceived inequities in Council's pools policy particularly on the price of family tickets. He said that he will hand this letter to Council's Parks & Property Manager, Mr Peter Bowmer, with a request that a response is directed to the person who raised the issues.

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3. PROPOSED GOULBURN WATER PIPELINE 7790/20

Clr L A C Whipper asked if Council can be briefed on the progress of the proposed Goulburn pipeline including some clarification as to whether or not the supply will be raw water or potable water and if it is planned that Marulan will be serviced by this water. Clr Whipper noted that there were a number of implications that he has set out in a Question With Notice that he will hand up. He stated that if Council has to deliver potable water, this could have a major impact on Council, the community and the water resources. Clr Whipper also noted that no decision has been made on the route of the pipeline, that there is a suggestion that part of the process might be to build up the population of Marulan and that once the infrastructure is in place, if that is the case, they will take the water. He asked if Council could seek some clarification from Goulburn Council on these issues.

The Mayor Clr T D Gair advised that information will be provided to Councillors and if there are any other questions, these can be addressed at the same time.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 October 2009

### GENERAL BUSINESS

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4. WEEKEND CONFERENCE IN BOWRAL ON 24 TO 26 NOVEMBER 2009 – “YOUTH LEADING AUSTRALIA CONGRESS” 5450/6

Clr J R Clark referred to discussions at the Sustainability Sub-Committee in relation to this congress and asked if it was in order for Council's Environment & Health Manager to liaise with this group to assist with the organisation of the event, as he stated it is a very useful thing for young people in the Shire to be involved with.

Clr L A C Whipper advised that he attended a Youth Council Meeting last week where representatives from Youth Leading Australia gave a presentation. Clr Whipper stated that to date the organisation of the event has been fractured and some opportunities missed. He advised that Clr McLaughlin has attempted to ascertain what is achievable/possible by delivering a “wish list” to the Acting General Manager, and that the matter will come back to Council for debate and consideration.

The Mayor Clr T D Gair noted that Clr Clark was meeting with the Environment & Health Manager, Ms Deborah Petkovic and that it would be in order for assistance to be provided.

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5. BU2 CATCHMENT 8100/5

Clr J Mauger referred to the item in the Weekly Circular noting recommendation 1 of the Works & Planning Meeting on 5 July 2006 - adopted by Council on 12 July 2006 – “*THAT this matter be subject to a Council Information Session at a date to be decided.*” Clr Mauger said that he had sent a request to Council via fax asking that as a result of the resolution on 12 July 2009, was the Information Session ever held, as he does not recall it.

The Acting General Manager advised that he has sought some clarification and it is the intention to provide information in this week's Weekly Circular.

Clr Mauger noted recommendation 2 of that meeting “*THAT the Boyden & Partners report retains the status of a working document and not be adopted by Council.*” He asked that as a result of it being a working document did Council in fact take note of its contents with any developments in the particular area.

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

Clr Mauger noted that it was stated that \$150,000, of which \$80,000 is 2/3<sup>rd</sup>, so that of the \$150,000 Council has spent on consultants reports, asked if that is the total amount of \$150,000 that was spent on Boydens or was it spent totally on flood reports on the BU2 Catchment.

The Mayor advised that it was his understanding that Council had to put in more money but this issue will be taken on notice.

Clr Mauger noted that it was stated that “Please be advised that the Boyden & Partners report is a draft document and has not been adopted by Council and it is advised that this report not be distributed to any other persons outside of Council.” Clr Mauger stated that the reason he became aware that it had been was because it had been divulged to a person outside of Council and asked if the Mayor was aware of that?

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 October 2009

### GENERAL BUSINESS

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The Mayor advised that he was not aware of that.

Clr Mauger stated that he found it ambiguous that the report has been available to a member of the public when he had not seen the report for 3 years.

The Acting General Manager advised that the answer to the question will be in the Weekly Circular, but it was his understanding that there was an application made under the Freedom of Information for access to that document.

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#### 6. FINANCE SUB-COMMITTEE

107/34.1

Clr J G Arkwright referred to the telephone conference on Friday morning, 30 October 2009, and asked for confirmation that it will be the Finance Sub-Committee and that other Councillors will not be required. She noted that one or two Councillors had advised that they will be at Council that day.

The Mayor Clr T D Gair advised that it is the Finance Sub-Committee but it would be in order for other Councillors to be present.

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#### 8. BRIDGE APPROACH OVER THE GLENQUARRY CUT

RD1007

Clr K Halstead referred to a question he had raised a couple of months ago about the approach to the bridge over the Glenquarry Cut (on the Bowral side) on the Sheepwash Road and asked if this matter had been dealt with, noting that the road is considered to be in a dangerous condition with a very big drop off which could cause damage to tyres on cars and trucks.

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

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 October 2009

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### OPEN COUNCIL

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***MN 468/09***

107/10

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

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

***PASSED***

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### ADOPTION OF OPEN COUNCIL

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***MN 469/09***

107/10

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

***THAT*** the recommendations of the Open Council held on Wednesday, 28 October 2009 being OC 156/09 to OC 167/09, be adopted.

***PASSED***

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 October 2009

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### THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.30 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 28 October 2009 numbered M/N 453/09 to M/N 469/09, were signed by me hereunder at the Council Meeting held on Wednesday, 11 November 2009.

\_\_\_\_\_  
CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 11 NOVEMBER 2009

\_\_\_\_\_  
CHAIRMAN

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