

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/07



held on Wednesday, 22 October 2008

The meeting commenced at 3.30 pm.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

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MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

COMMENCING AT: 3.30 pm

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

IN ATTENDANCE: General Manager, Director Corporate Services, Director Environment & Planning, Director Technical Services, Manager Administration Services and Administration Officer (AOL)

PRAYER

100/1

The meeting was opened in prayer led by Pastor Donna Jensen of the Southlands Christian Church.

PRESENTATION

100/1

Presentation of Certificate of Appreciation to May King, former Councillor by the Mayor Clr T D Gair. Clr Gair welcomed May King and acknowledged her service with Council since her election in 2004, the Committees she chaired and was a member of and the projects with which she was involved. Clr Gair then presented May King with the Certificate of Service and she responded by thanking the Council.

APOLOGY

100/1

Nil



CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 8
OCTOBER 2008

100/1

MN 383 /08

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

THAT *the minutes of the Ordinary Meeting of Council held on Wednesday, 8 October 2008 MN 374/08 to MN 382/08 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.*

PASSED

BUSINESS ARISING

101/1

Nil

DECLARATIONS OF INTEREST

101/3

Nil

MAYORAL MINUTE

c-MM1 Election of Delegates and Representatives to Committees, External Committees and Organisations

REF. MAYOR

822/7, 5464/2

Reporting on the election of delegates and representatives to Committees, external Committees and Organisations.

It was noted that the Environment and Sustainability Committee detailed on page 7 of the Agenda should read “five (5) Community representatives including one (1) with sustainability background”.

MN 384 /08

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

1. **THAT the Council Delegates, Representatives and Staff members as detailed in the report relating to Committees, Advisory Committees, Working Groups and Sunset Committees be adopted.**
2. **THAT in relation to the Environment and Sustainability Committee, Council advertise seeking nominations for five (5) Community representatives with one (1) representative with sustainability background to serve on the Committee.**
3. **THAT in relation to the Finance and Audit Committee, Council advertise seeking nominations five (5) Community representatives to serve on the committee.**
4. **THAT in relation to the Wingecarribee Aboriginal Advisory Committee, Council advertise seeking three (3) nominations from the Community Representatives who are Aboriginal or Torres Strait Islander with one being a traditional owner.**
5. **THAT the Working Groups appointed by Council at this meeting be reviewed after a six (6) month term to evaluate the effectiveness of those Working Groups.**
6. **THAT the Access Working Group be adopted as a “Peak” Committee of Council which receive administration support from Council staff AND THAT the Committee minutes be forwarded to Council for determination and consideration of any recommendations AND FURTHER THAT Disability Services of Australia be invited to appoint a representative on the Working Group.**
7. **THAT Clr K Halstead be appointed as Alternate Chair of the Council Inspection Committee.**
8. **THAT in relation to the Arts and Culture Board (Working Group), Council advertised seeking five (5) Community Representatives to serve on the Board.**

9. **THAT** in relation to the **Tourism / Economic Development Working Group** a report be submitted from the Chairperson Clr P Tuddenham after three (3) months, evaluating whether the Working Group should continue in its current form or be split into an Economic Development Working Group and a Tourism Working Group.
 10. **THAT** in relation to the **Tulip Time Working Group**, Council advertise seeking five (5) Community Representatives **AND THAT** such representation may be drawn from the following groups: (Southern Highlands Business Chamber, Lions Club of Bowral, Highlands Garden Society and Bowral / Mittagong Rotary Club) and / or local community members.
 11. **THAT** in relation to the **Wingecarribee Housing Strategy Working Group**, Council delete this Working Group from its list of committees and thank each of its former members for their past contribution.
 12. **THAT** in relation to the **Wingecarribee Sport and Recreation Working Group**, Council advertised seeking five (5) Community Representatives **AND THAT** the Community Representatives be represented from different sporting groups within the Shire.
 13. **THAT** in relation to the **LEP Steering Committee Sunset Working Group** the General Manager be requested to arrange a full briefing (information session) for all Councillors during the exhibition period of the LEP.
 14. **THAT** in relation to **Whites Creek Floodplain Risk Management Working Group** Council retain the Committee and appoint Clr P Tuddenham and Clr J Mauger as Council delegates **AND THAT** the representatives from the Department of Natural Resources (R Uptri), SES Wingecarribee Unit (L Ritchie), Moss Vale Landcare Group (K Pogson), Moss Vale Golf Club (M Eagles), Director Technical Services, Design & Projects Manager and Design & Construction Engineer also be appointed to the Working Group.
 15. **THAT** in relation to the **Resource Recovery Centre (RRC)** the General Manager be requested to arrange an Information Session for the purpose of establishing a Council Business Unit for the Resource Recovery Centre (RRC).
 16. **THAT** Council retain the **Moss Vale Master Plan Committee** as a Working Group of Council **AND THAT** Councillor D Gair (Chair) and Councillor D Stranger be appointed as Council Delegates on the Working Group.
 17. **THAT** Council approve the Mayor of the Day (Clr D Gair) and Clr J Mauger authority to attend the Local Emergency Management Committee meetings as observers.
 18. **THAT** in relation to the **General Managers Performance Review Committee** Council appoint the Mayor of the Day (Clr D Gair), the Deputy Mayor of the Day (Clr K Halstead), Clr L Whipper, Clr J Arkwright and Clr J Mauger **AND THAT** the committee report back to the full Council.
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19. **THAT in relation to the Sydney Catchment Local Government Reference Panel Council appoint Clr J Clark and Clr J Mauger with Clr K Halstead as the alternate delegate and two (2) staff members be appointed as representatives to the attend meetings on behalf of Council.**
20. **THAT Council confirm that the chair of the Heritage Committee Clr J Clark be Council's authorised delegate on the Joadja Trust.**
21. **THAT the Companion Animals Working Group meet as required by the Councillor/Chair of the Working Group.**
22. **THAT the Heritage Working Group meet as required by the Councillor/Chair of the Working Group.**
23. **THAT Clr G McLaughlin be appointed as alternate Chair on the Community Services Working Group.**
24. **THAT Clr G McLaughlin be appointed as a Councillor delegate on the Seniors Working Group AND THAT it be noted that Community Representative Mr Jim Tuddenham has resigned from the Working Group.**

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008
OPEN COUNCIL

OPEN COUNCIL

100/1

MN 385/08

MOTION moved by Clr T D Gair and seconded by Clr P B Tuddenham **RECOMMENDED:**

THAT Council moves into Open Council to discuss various matters listed in the Agenda with Clr T D Gair in the chair.

PASSED



OPEN COUNCIL

VISITOR ITEM

ENVIRONMENT & PLANNING DIVISION

v-EP1 Proposed Covered Entertaining Area – Wattle Street, Colo Vale

REF: DCM

LUA08/0683

Reporting on proposed covered entertaining area at Lot 19 DP 2933 Wattle Street, Colo Vale.

Toni Bartush-Peek from Bowral Legal, Solicitors, addressed the Council on behalf of the Applicant Mr A Christodoulou, on this matter.

OC 257/08

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

THAT the Application for a Proposed Covered Entertaining area at Lot 19 DP 2933 Wattle Street, Colo Vale be approved subject to a condition that the roofing material be slate.

PASSED

VOTING ON THE MOTION:

Voting for the Motion: Clr K Halstead, Clr D Stranger, Clr G McLaughlin,
Clr J Arkwright and Clr J Mauger

Voting Against the Motion: Clr D Gair, Clr L Whipper, Clr J Clark and Clr P Tuddenham

REPORT OF CORPORATE SERVICES DIVISION

v-CS1	2007/08 Financial Year Results
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REF: FSM

501/2008, 2120/2008

Submitting a report on the audit of the 2007/08 Financial Year Results.

The Finance Services Manager Mr Doug Neville introduced this matter to Council.

OC 258/08

The Committee on a **MOTION** moved by Clr P B Tuddenham and seconded by Clr L A C Whipper **RECOMMENDED:**

1. **THAT Council adopt the 2007/08 Financial Reports.**
2. **THAT the Annual Financial Reports be put on public exhibition.**
3. **THAT the Annual Financial Reports be presented to the public at the Council Meeting on 26 November 2008.**

1. **THAT Council's auditor be invited to a meeting of the Finance & Internal Audit Committee on 26 November 2008 to discuss the 2007/08 Financial Reports.**

PASSED



OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

Governance and accountability

o-EP1 Development Consents Under Delegated Authority

REF: DCM 5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 26 September 2008 and 14 October 2008.

OC 259 /08

The Committee on a MOTION moved by Clr P B Tuddenham and seconded by Clr L A C Whipper **RECOMMENDED:**

THAT the information regarding the Development Consent Nos 1 to 8 under Delegated Authority be received and noted.

PASSED

o-EP2 List Of Land Use Applications Received By Council

REF DCM 5302

Submitting list of development applications which have been received between 26/9/08 and 14/10/08, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

OC 260/08

The Committee on a MOTION moved by Clr L A C Whipper and seconded by Clr P B Tuddenham **RECOMMENDED:**

THAT the information regarding the List of Land Use Applications Nos 1-13 received by Council be received and noted.

PASSED



Matters Arising from Development Applications Received by Council

1. 2 x LOT SUBDIVISION LOT 307 DP 1040419 MILTON PARK,
HORDERNS ROAD, BOWRAL LUA08/0995

Clr L Whipper referred to items 8 and 9 and queried whether there were any vegetation issues involved.

The Director Environment & Planning stated that he would provide information in the Weekly Circular.

2. DEMOLITION OF EXISTING BUILDINGS & ERECTION OF
SUPERMARKET & CAR PARKING LUA08/1011

Clr D Gair referred to item 4 and asked when this was likely to come before Council and requested additional information on this development application.

The Director Environment & Planning advised that he hoped to prepare a report before the end of the year, however this will depend on the assessment process.

MATTER OF URGENCY

3. ERECT PRIMARY SCHOOL BUILDINGS & ALTER BUILDING
FOR ADMINISTRATION LUA08/0913

Clr P Tuddenham requested that the determination of the proposed school in Garrett Street, Moss Vale be treated as a matter of urgency.

OC 261/08

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

THAT LUA 08/0913 to erect primary school buildings and alter building for administration at 28 Garrett Street, Moss Vale be considered as a matter of urgency.

PASSED

The Mayor ruled that this is a matter of urgency.

OC 262/08

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

THAT LUA 08/0913 to erect primary school buildings and alter building for administration at 28 Garrett Street, Moss Vale be referred to Council for consideration and determination.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
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Moss Vale on Wednesday, 22 October 2008
REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP3	Land Use Applications Determined
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REF:	DCM
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5302

Submitting list of Land Use applications determined under delegated authority of the Director of Environment & Planning for the month of September 2008.

OC 263/08

The Committee on a MOTION moved by Clr P B Tuddenham and seconded by Clr L A C Whipper **RECOMMENDED:**

THAT the information regarding the List of Land Use Applications Received by Council for the month of September 2008, be received and noted.

PASSED



Environment and Sustainability

o-EP4	Consolidation of 3 Existing Lots and Subdivision into 2 Lots – Grevillea Place and Colo Road, Colo Vale.
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REF:	DCM
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LUA08/0564

Reporting on the consolidation of 3 existing lots and re-subdivision into 2 separate allotments, of Lot 3 DP790559, Lot 1 DP45830 and Lot 112 DP657645, Grevillea Place and Colo Road, Colo Vale.

Proposal involves a SEPP 1 Objection and if supported will need to be referred to Department of Planning as the proposed variation exceeds Councils delegation.

OC 264/08

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

RECOMMENDED:

1. **THAT Council support the SEPP1 objection in respect of the proposed consolidation and subdivision of Lot 3 DP790559, Lot 1 DP45830 and Lot 112 DP657645, Grevillea Place and Colo Road, Colo Vale.**
2. **THAT authority be delegated to the DEP to:**
 - (a) **refer the development application to the Director General, Department of Planning for their concurrence;**
 - (b) **determine the development application in line with the decision of the Director General; and**
 - (c) **adjust the zone boundaries in draft LEP2007 so that each property is wholly within one zone only and that such changes be included in the re exhibition of the draft plan.**
 - (d) **issue a deferred commencement consent which requires that the applicant close and purchase the unformed section of road that bisects proposed Lot 1.**

PASSED

VOTING ON THE MOTION:

Voting for the Motion:

**Clr D Gair, Clr J Mauger, Clr D Stranger,
Clr J Arkwright, Clr K Halstead, Clr P Tuddenham,
Clr L Whipper, Clr J Clark and Clr G McLaughlin**

Voting Against the Motion:

Nil



Environment and Sustainability

o-EP5 Draft DCP for 'Steiner School' site, Bowral

REF: DEP

5700/63

Report on the preparation of a draft Development Control Plan (DCP) for the site owned by Eukarima School Ltd and known as the Steiner School in Bowral.

OC 265/08

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

1. **THAT the draft Development Control Plan for the Steiner School site in Bowral, be endorsed for the purpose of public exhibition, and**
2. **THAT the required public exhibition in accordance with the Environmental Planning Assessment Regulation commence as soon as possible, and**
3. **THAT the exhibition of the draft DCP be notified to all adjoining landowners, the appointed liquidators to the site and the real estate agents who are managing the sale of the site.**

PASSED

VOTING ON THE MOTION:

Voting for the Motion: Clr D Gair, Clr J Mauger, Clr D Stranger,
Clr J Arkwright, Clr K Halstead, Clr P Tuddenham,
Clr L Whipper, Clr J Clark and Clr G McLaughlin

Voting Against the Motion: Nil



Environment and Sustainability

o-EP6	S82A Review: Proposed Cold Storage Factory: Pikkat Drive, Braemar
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REF: DCM	LUA06/0887
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Reporting on a S82A Review for a Cold Storage Factory at Pt Lot 53 DP 872716 Pikkat Drive, Braemar.

OC 266/08

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

THAT Council approve the S82A application in relation to LUA06/0887 as a deferred commencement consent subject to the deferred commencement condition as set out in this report.

PASSED

VOTING ON THE MOTION:

Voting for the Motion:	Clr D Gair, Clr J Mauger, Clr D Stranger, Clr J Arkwright, Clr K Halstead, Clr P Tuddenham, Clr L Whipper and Clr G McLaughlin
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Voting Against the Motion:	Clr J Clark
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Lifestyle and Sustainability

o-EP7	Area Assistance Scheme Ranking Committee nominations
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REF:	SPM	1880/2007
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Requesting two Council representatives and alternate delegate to participate on the Wingecarribee Area Assistance Scheme (AAS) Local Ranking Committee.

OC 267/08

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

THAT Council nominates Clr G McLaughlin and Clr D Stranger as Council's delegates with alternate delegate Clr J Mauger to participate on the Wingecarribee Area Assistance Scheme (AAS) Local Ranking Committee.

PASSED



CORPORATE SERVICES DIVISION

Governance and Accountability

o-CS1	Committee Appointments & Resignations
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REF:	MAS	107/1, 6549/1.1, 7217/1
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Reporting on Management Committee Appointments and Resignations.

OC 268/08

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

1. **THAT Council appoints Ian Webster, Dawn Jonas, Cathy Robinson, Mike Jonas, Irene Davenport, Nicole Clark, Johanna Davidson, Thomas Thorogood, Henrik Lund, Susan Lund, Patricia Day and Susie Edwards to the Penrose Hall & Recreation Reserve Management Committee and that Ian Webster, Dawn Jonas, Cathy Robinson, Mike Jonas, Irene Davenport, Nicole Clark, Johanna Davidson, Thomas Thorogood, Henrik Lund, Susan Lund, Patricia Day and Susie Edwards be notified of Council's determination.**
2. **THAT Council appoints Karen Hannon to the New Berrima Community Centre Management Committee and that Karen Hannon be notified of Council's determination.**
3. **THAT the Penrose Hall & Recreation Reserve Management Committee Management Committee and the New Berrima Community Centre Management Committee be notified of Council's determination.**

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
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Moss Vale on Wednesday, 22 October 2008

REPORT OF DIRECTOR CORPORATE SERVICES

o-CS2	Investments as at 30 September 2008
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REF	FSM	2104
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Submitting details of Council's Investments as at 30 September 2008.

OC 269/08

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

THAT the information on Council's Investments as at 30 September 2008 be received and noted AND THAT the Federal Government guaranteed investments be highlighted in all future financial reports to Council.

PASSED



MATTER OF URGENCY

SUPPLEMENTARY REPORT OF TECHNICAL SERVICES – SWIMMING POOL STAFFING

The Director Corporate Services requested that the swimming pool staffing requirements for 2008/09 be considered as a matter of urgency.

OC 270/08

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

THAT the supplementary report regarding swimming pool staffing requirements for 2008/09 be treated as a matter of urgency.

PASSED

The Mayor ruled that this is a matter of urgency.

o-TS1	Swimming Pools – Staffing Requirements for 2008/09 Season
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REF. PPM	6700, 6701/3
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Reporting on concerns regarding the operation of the Swimming Centres in 2008/09.

OC 271/08

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

- THAT OPTION 3 (REDUCTION OF WEEKDAY OPERATING HOURS) BE ADOPTED AND THAT THE FOLLOWING SCHEDULE OF REDUCED HOURS OF OPERATION BE CONSIDERED:**

Period – 2 November to 14 November 2008

Bowral Pool (47 hours)

- Monday to Friday 6am to 9am
- Monday to Friday 2pm to 6pm

Mittagong Pool (40 hours)

- Monday & Tuesday (water polo) 2pm to 9pm
- Wednesday & Thursday 2pm to 6pm
- Friday 2pm to 8pm



Both Bowral and Mittagong Pool open on weekends. Moss Vale and Bundanoon Swimming Centres closed.

Period – 17 November to 8 December 2008

Bowral Pool (47 hours)

- Monday to Friday 6am to 9am***
- Monday to Friday 2pm to 6pm***

Mittagong Pool (40 hours)

- Monday & Tuesday (water polo) 2pm to 9pm***
- Wednesday & Thursday 2pm to 6pm***
- Friday 2pm to 8pm***

Moss Vale Pool (27 hours)

- Monday to Thursday 2pm to 6pm***
- Friday 2pm to 8pm***

Bundanoon Pool (27 hours)

- Mon, Tue, Thur, Fri 2pm to 6pm***
- Wednesday 2pm to 8pm***

Three pools open on weekends. Due to staff resources and pool patronage it is recommended that the best three pools to open would be Bundanoon, Bowral and Mittagong.

- 2. THAT Council Officers advise key stakeholders of Council's resolution and the reasons for the reduction of weekday operating hours.***
- 3. THAT a further report be brought back to Council at the first full meeting of the Council in January 2009 to consider staffing options for future swimming centre operations.***
- 4. THAT Council, where sufficient resources are available, operate the Shire's swimming centres in excess of the hours outlined in option 3 of this report AND THAT where necessary, existing pool staff be available on overtime to accommodate user group bookings.***
- 5. THAT Council approaches all secondary schools in the shire to invite suitable Year 12 students to apply for professional certification from the Royal Life Guard Society at the expense of Council and then be considered for employment by Council at the shire pools over summer seasons.***
- 6. THAT Council advertise for suitably qualified English speaking lifeguards to apply via working visa permit for summer jobs at the pools.***

PASSED



QUESTIONS FROM THE PUBLIC

QUESTIONS FROM THE PUBLIC

1. CONSTRUCTION OF ROUNDABOUT ON TAYLOR'S AVENUE/OLD HUME HIGHWAY, BERRIMA

7803/2007, PN662900, RD1420, RD1429, RD3010

Mrs Pam Cooper questioned whether it was correct that the construction of the roundabout on Taylor's Avenue/Old Hume Highway, Berrima has ceased? Is there any reason for this?

The Director Technical Services advised that the work would recommence next Monday.

2. ROUNDABOUT OLD SOUTH ROAD/RANGE ROAD – SLIPPAGE

600/17, 6330/08.6, RD3189, RD1587

Mrs Pam Cooper referred to the question from Cllr K Halstead in General Business at the previous Council meeting on 8 October 2008 regarding the roundabout on Old South Road. Did the initial construction of this intersection have drainage problems and were they dealt with satisfactorily, or has it always been an ongoing problem especially after heavy rain? If so, why was the problem not taken into consideration during the present roundabouts construction?

The General Manager advised that the entire situation surrounding the roundabout will be reported to Council in a comprehensive report which will answer that question.

3. SWIMMING POOLS

6700, 6701/3

Mrs Pam Cooper raised a question in relation to the swimming pools. She had noticed that Council is suggesting closing down both Bundanoon and Moss Vale pools at the same time at weekends and Bowral and Mittagong on other occasions. Is there any reason why Council cannot open Bowral and Moss Vale pools so that there is one at each end of the Shire open?

Cllr D Gair replied that it was his understanding that long term bookings have previously been taken and those bookings have been taken into consideration for which pools are to remain open.



QUESTIONS FROM THE PUBLIC

4. MOSS VALE MASTER PLAN

5602/9, 1603/28

Mr Terry Oakes-Ash noted that in relation to the Moss Vale Master Plan the retention of the working group was only to be retained when he understood that some months back it was decided in this chamber that it would only be retained until the garden extensions were completed. However, now that it is being retained his question was whether there is a possibility of a master plan working group established for both Bowral and Mittagong or failing that a combined working group for the three major towns.

Clr T D Gair advised that the Moss Vale Master Plan is being retained as Council is looking at the finality of the project in the park and that Council has not met since it has been finalised and will confirm a rededication of the fountain, which has been suggested by the Governor of NSW. Clr Gair referred to point 5 of the Committee recommendations where a review of Working Groups will be conducted in six (6) months.

5. MOSS VALE MASTER PLAN

Mr Charlie Johns questioned whether Council is going to introduce Master Plan Committees in towns and villages?

Clr T D Gair responded noting that the points from both Mr Oakes-Ash and Mr Johns will be discussed by Council at a future date.



COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 Weekly Circulars

REF.	GM	203/1.1
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Confirming receipt of weekly circulars from the Local Government Association and Council weekly circulars.

OC 272/08

The Committee on a MOTION moved by Clr P B Tuddenham and seconded by Clr L A C Whipper **RECOMMENDED**:

THAT the information relating to Local Government Weekly Circular No 39/08, 40/08 and 41/08 and Council Weekly Circular No 39/08, 40/08 and 41/08 be noted.

PASSED

Matters Arising from Weekly Circulars

1. APPLICATION TO MINISTER FOR LANDS FOR CONSENT TO LEASE OF PUBLIC GOLF COURSE, CENTENNIAL ROAD, BOWRAL 6612/1.1, PN 215900

Clr L Whipper referred to item 2 on page 6 of the Council Weekly Circular 41/08 and enquired whether there is any way that Council can have any embellishment on the report that has been put before Council which says that the Department of Local Government (DLG) has now requested and been supplied with extra information. Has there been any feedback that would indicate what that extra information is for?

The General Manager responded noting that the DLG goes through a very comprehensive assessment and analysis of what has been put to them and they had asked some questions about the nature of the wording and requested further information on the consultation that occurred and the meetings that Council had and the actual resolutions of Council, and Council had to provide those so that the DLG could see the actual wording of the resolutions because they want to make sure all the legal boxes are ticked and squared away and we are waiting on the deal to be finalised and a response from the DLG in a couple of weeks and that deadline is this Friday.

Clr Whipper asked if there is concurrence from the DLG in relation to the lease, then is it the process that it would come back to Council and if there are any further recommendations that can be put forward in relation to this and does Council get the opportunity to do that or is the lease approved once it has been to the DLG?

The General Manager responded noting that Council has asked them to approve the lease by the previous resolutions of Council and once approved the lease would be signed.



2. CHELSEA GARDENS SITE COMPABILITY CERTIFICATE

PR1682700, 1705662, 1703359

Interest: Clr D Stranger declared a pecuniary interest in relation to the Chelsea Gardens development as his business manages the residential tenancies on adjoining properties and also that Jim Avery is a competitor and colleague. He left the chamber and abstained from voting on this matter and took no part in the debate.

Clr G McLaughlin referred to the letter from the NSW Department of Planning to the Director Environment & Planning, Mr Scott Lee, on page 10 of Weekly Circular 41/08, and noted that a Compatibility Certificate had issued with regard to the SEPP (Housing for Seniors and People with a Disability) for Chelsea Gardens.

Mayor Clr T D Gair noted that this was a matter arising as part of the Business Paper and that Clr McLaughlin could move a motion if he wanted to do so.

OC 273/08

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

THAT Council write to the Director General requesting written comments concerning the consistency of the proposed criteria under Section 25(5) of the State Environmental Planning Policy (Housing for Seniors or People With a Disability) 2004.

PASSED

3. APPLICATION TO MINISTER FOR LANDS FOR CONSENT TO LEASE OF PUBLIC GOLF COURSE, CENTENNIAL ROAD, BOWRAL 6612/1.1, PN 215900

OC 274/08

Clr K Halstead referred to the above matter and suggested that the Minister for Local Government be advised that the matter not proceed until Council had had the opportunity to consider the facts surrounding the matter.

The Committee on a MOTION moved by Clr K Halstead and seconded by Clr L A C Whipper
RECOMMENDED:

1. **THAT Council informs the Minister of its intention to consider rescinding the motion for the approval to the proposed leaseholder of the Bowral Country Club.**
2. **THAT the General Manager be directed not to sign the lease.**
3. **THAT a report be submitted to Council on the chronology of events leading up to the proposed leasing agreement of the Bowral Country Club.**
4. **THAT legal advice in relation to the above matter be sought.**

PASSED

4. INAPPROPRIATE VEGETATIVE SCREEN PLANTINGS 107/18

Clr J Clark referred to Item No 9 on page 41 of Weekly Circular 41/08 and the letter from the new Minister for Planning The Hon Kristina Keneally, MP, to Mr Matt Brown, MP, re vegetative screen plantings and Council's proposed LEP amendments. Is this Council's last avenue or does Council still have some hope of regulating hedges?

The Director Environment & Planning noted that as advised in the Weekly Circular, Council has appointed a consultant to do some further work on the identification of significant rural views and vistas, which is fundamental to the information that will be required for Council to achieve its long term objectives. The legal aspect is an area Council will need to continue to discuss with the Department of Planning.



NOTICE OF MOTION

OTHER MATTERS

NOTICE OF MOTION

c-NM1 36/2008 – Notice of Motion – Green Waste Pickup Service

REF: MAS

100/4 7503/21

Clr LAC Whipper has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 22 October 2008.

“THAT a detailed report be brought forward to Council outlining practical options for the introduction of a Green waste pickup service for residents of the Wingecarribee Shire.”

OC 275/08

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

THAT a detailed report be brought forward to Council outlining practical options for the introduction of a Green waste pickup service for residents of the Wingecarribee Shire AND THAT several central locations be identified as possible drop off points for people living outside the service area be included in the report.

PASSED



COMMITTEE REPORTS

COMMITTEE REPORTS TABLED

c-CR1 Management and Advisory Committee Reports		
REF.	DCS	107/1

Submitting minutes of two (2) Committee meetings that will be tabled for information.

OC 276/08

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

THAT the information contained in the Committee Reports be noted.

PASSED



COMMITTEE REPORTS

COMMITTEE REPORTS ATTACHED

c-CR2	Finance & Internal Audit Committee	
REF	DCS	107/22

Submitting minutes of the Finance & Internal Committee meeting held on Wednesday, 1 October 2008.

It was noted that FIA 8/08 to FIA 12/08 should replace MN 344/07 to MN 348/07 in the Finance and Internal Audit Committee Meeting and that the meeting was held on Wednesday 15 October 2008 not 1 October 2008.

OC 277/08

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

THAT recommendations FIA8/08 TO FIA12/08 as detailed in the minutes of the Finance & Internal Audit Committee meeting held on Wednesday 1 October 2008 be adopted.

PASSED

CHAIRPERSON

At 6.34 pm, being the conclusion of Open Council, the Mayor, Clr T D Gair, remained in the Chair and conducted the remainder of Council business.



CORPORATE SERVICES DIVISION

c-CS1	Closed Council
REF: DCS	107/9

To consider moving into Closed Council.

At this juncture, the time being 6.35 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.

Objection received from Deb Richards because she believed that the matter of Lehman Brothers Australia should be considered in open Council as Lehman Brothers Australia are in receivership, it is a matter of public interest and there is an opportunity of misunderstandings to be made and if the public are privy to the debate then the matter can be reported more openly.

Mayor Clr D Gair advised that Council needs to discuss the legal advice which is privileged information and may compromise Council's case against Lehman Brothers Australia and that an appropriate press release will be issued that clarifies the matter.

MN 386/08

MOTION moved by Clr G McLaughlin and seconded by Clr D Stranger

1. **THAT** Council moves into Closed Council in accordance with the requirements of Section 10 of the Local Government Act 1993 as addressed below to consider the following reports:

c-CS1 **BRIEFING ON CURRENT STATUS OF LEGAL MATTER WSC V LEHMAN BROTHERS AUSTRALIA** **107/9, 2104**

Relevant Legal Provisions

This report is placed in Closed Committee under Clause 10A2(g) of the Local Government Act, as it contains information that references advice that may be subject of legal professional privilege.

Brief Description

Considering an update on the current status of legal matters. WSC V Lehman Brothers Australia.



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

CLOSED COMMITTEE

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information that may be subject of legal professional privilege.

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

PASSED



GENERAL BUSINESS

GENERAL BUSINESS

1. SUBDIVISION OF LOT 2 DP 1100-480 17-25 BELMORE STREET, MITTAGONG
PN138100, LUA 08/0942

Clr D Stranger referred to a letter received from John Spilack in relation to the above subdivision in Mittagong advising that he has no objection to the subdivision on the understanding that the site would be cleaned, rubbish removed and weeds sprayed and that the block fronting Ferguson Crescent be kerbed and guttered and the right of way developed to Council's standards.

The Director Environment & Planning advised that he would provide additional information in the Weekly Circular.

2. BOWRAL MATTERS INCORPORATED
5700/62, 5800/15, LUA 08/0417, PN332300

Clr D Stranger referred to a letter from B Bilinsky on behalf of Bowral Matters Incorporated questioning the validity of the Site Compatibility Certificate issued by the Department of Planning in relation to the proposed OLSH development in Centennial Road, Bowral. In his letter Mr Bilinsky had referred to contacting the Department of Planning about invalidating the Certificate and Clr Stranger requested a status update on this matter.

The Director Environment & Planning advised that he was aware of the correspondence and had held discussions with Mr Bilinsky on this matter. The Director Environment & Planning also advised that he had forwarded correspondence to both Mr Bilinsky and the Department of Planning.

3. LETTER OF COMPLAINT FROM MR & MRS OSBORNE LUA 08/0766

Clr K Halstead referred to a letter dated 7/10/2008 from Mr & Mrs Osborne which is to be passed to the General Manager and enquired what the process is for dealing with the issues raised in the letter.

The General Manager advised that he would take the matter on notice.

4. DRAINAGE PROBLEMS IN ELLA STREET, BUNDANOON RD 1818

Clr K Halstead referred to drainage problems in Ella Street, Bundanoon and a complaint from Norm Garbutt and asked if the matter could be investigated.

The Director Technical Services will provide a response in relation to this.



GENERAL BUSINESS

5. COUNCIL GRADER RD 1815, 7901

Clr K Halstead referred to a Council grader parked in William St Bundanoon for quite some time and questioned whether it had broken down or just not in use?

The Director Technical Services will provide a response in relation to this.

6. KERB AND GUTTER AT CORNER REGENT AND PRINCESS STREET, MITTAGONG 7955/4, RD 3191, RD 3184

Clr P Tuddenham raised the issue of kerb and gutter at corner of Regent and Princess Street, Mittagong which needs repairing and questioned whether this can be reviewed as a ramp rather than a gutter?

The Director Technical Services will investigate and provide a response in the Weekly Circular.

7. EQUESTRIAN CENTRE, ROBERTSON LUA06/1142

Clr L Whipper referred to the equestrian centre in Wallaby Hill Road and noted that the development had been mentioned in Weekly Circulars and requested an indication when compliance issues would be finalised with particular focus on road use and impacts from associated use by users and owners of the centre.

The Director Environment & Planning will follow up and provide further information, noting that a specific condition of the consent is that the development is for private use only and not for commercial use.

8. OUTDOOR DINING LEASE, BUNDANOON 5406/2, PN358700

Clr J Clark asked if Council can explain why an applicant would be required to lodge a development application (incurring additional fees) when seeking to renew an outdoor dining lease on an existing café. Should the application fee apply when the applicant is seeking to regularise an existing use greater than the original leased area? Does DCP 50 provide appropriate guidance to operators to the correct procedure?

The Director Environment & Planning will investigate and set out the process in the Weekly Circular.



9. FAMILY COMMUNITY SERVICES

1855/10

Clr G McLaughlin asked if Council could provide a suitable location/accommodation for Family Community Services who operate out of a property in Mount Road at the moment. He stated that they have been looking for a location for two (2) years without success.

He requested that a report in relation to this matter be forwarded to a future Ordinary Meeting of the Council outlining any possible locations.

The Director Corporate Services advised that the matter could be investigated and a report forwarded to Council.



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

This report is placed in Closed Committee under Clause 10A2(g) of the Local Government Act, as it contains information that references advice that may be subject to legal professional privilege.

Brief Description

Considering an update on the current status of legal matters. WSC V Lehman Brothers Australia.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information that may be subject of legal professional privilege.

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

THAT the information provided in relation to WSC v Lehman Brothers Australia 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, 22 October 2008
OPEN COUNCIL

OPEN COUNCIL

MN 387/08

107/10

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

THAT Council moves back into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

MN 388/08

107/9

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

THAT the recommendations of the Closed Council held on Wednesday, 22 October 2008 (Item c-CS1) be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

MN 389/08

107/10

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

THAT the recommendations of the Open Council held on Wednesday, 22 October 2008 being OC 257/08 to OC 277/08, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008
OPEN COUNCIL

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.40 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 22 October 2008 numbered M/N 383/08 to M/N 389/08, were signed by me hereunder at the Council Meeting held on Wednesday,

CHAIRMAN

READ AND CONFIRMED THIS

CHAIRMAN

PUBLIC OFFICER