

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/08



held on Wednesday, 26 November 2008

The meeting commenced at 3.35 pm.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 26 November 2008

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held in the Council Chamber, Civic Centre, Elizabeth Street,
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CORPORATE SERVICES DIVISION

35

c-CS1 Closed Council	35
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MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 26 November 2008

COMMENCING AT: 3.35 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 (Acting) and Administration Officer (AOE)

PRAYER

100/1

The meeting was opened in prayer led by *Rev Bob Thomas of Bowral Uniting Church.*

APOLOGY

Nil



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 26 November 2008

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 12
NOVEMBER 2008

100/1

MN 414/08

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 12 November 2008 MN 390/08 to MN 413/08 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting, it being noted that in relation to the Further Amendment of c-NRM1 Notice of Motion of Rescission – Bowral Country Golf Club Clr L A C Whipper moved the Further Amendment not Clr D Stranger as detailed in the Minutes and Clr K Halstead seconded the Further Amendment.

PASSED

BUSINESS ARISING

Nil

DECLARATIONS OF INTEREST

101/3

Nil



MAYORAL MINUTE

c-MM1 Jim Tuddenham

REF.	MAYOR	102/5
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Recognising the contribution made by former Mayor Jim Tuddenham who passed away on 14 November 2008.

The Mayor, Clr T D Gair noted that he in relation to the Mayoral Minutes he would reverse the order of MM1 and MM2 as MM2 takes precedence and from the chair he expressed the Council's condolences to Clr P B Tuddenham, his family and his mother.

The Mayor Clr T D Gair asked for any acknowledgment from Councillors.

Clr J Mauger spoke of his knowledge of Jim for 40 or 50 years. As the Mayor, Jim was always available to the people and was dedicated to the Shire. He had diligence and strength of character in what he did.

Clr P B Tuddenham on behalf of his family thanked the Council and the community for their expressions of sympathy.

Clr L A C Whipper spoke of Jim as being honest and that type of Local Government Councillor we will not see anymore, and acknowledged his contribution to the local community.

Clr K Halstead knew Jim for quite a long time initially as a staff member and then in 1996 he ran with Jim at the Council elections, and acknowledged Jim as a great human being and a very good Councillor.

MN 415/08

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

THAT Council formally acknowledge the contribution made to the Wingecarribee community by former Mayor and long serving Councillor Jim Tuddenham.

PASSED



c-MM2 NSW/ACT Regional Achievement and Community Awards

REF. MAYOR 1607/9, 102/5

Recognising Regional Media Networks Pty Ltd of Bowral for winning the NSW/ACT Regional Achievement and Community Awards.

MN 416/08

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

THAT Regional Media Networks Pty Ltd of Bowral be congratulated by Wingecarribee Shire Council on behalf of the local community for winning the Business Enterprise Award at the NSW/ACT Regional Achievement and Community Awards.

PASSED

c-MM3 Independent Commission Against Corruption presentation

REF. MAYOR 1420/5

Reporting on a presentation made by a representative from the Independent Commission Against Corruption on its investigation into corruption allegations affecting Wollongong City Council.

MN 417/08

MOTION moved by Clr T D Gair and seconded by Clr J R Clark:

1. **THAT Council authorise the General Manager to organise a briefing for Councillors and staff from a representative of the Independent Commission Against Corruption on the implications to other councils of the investigation into corruption allegations affecting Wollongong City Council.**
2. **THAT the General Manager be authorised to organise a public presentation by a representative of the Independent Commission Against Corruption, extending an invitation to representatives from the development industry, Chambers of Commerce, adjoining councils and interested members of the Wingecarribee Shire community.**

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 26 November 2008
MAYORAL MINUTE

c-MM4	Waste and Environment Levy
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REF.	MAYOR / RRM	2210/8, 7502/6 (cc 102/5)
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Objecting to the State Government increasing the Waste and Environment levy above the scheduled increases.

MN 418 /08

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

THAT Council seek a deputation to, and write to the Deputy Premier Carmel Tebbutt, MP, voicing its strong objection to the increase in Section 88 Landfill Levy, unless funds relevant to local Levy liabilities are hypothecated back to Council for use in waste minimisation initiatives in our Shire.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 26 November 2008
OPEN COUNCIL

OPEN COUNCIL

MN 419/08

107/10

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

THAT Council moves into Open Council to discuss various matters listed in the Agenda with Clr P B Tuddenham in the Chair.

PASSED



VISITOR ITEM

ENVIRONMENT & PLANNING DIVISION

v-EP1 Proposed use of 'Hopewood' for wedding reception events, conference centre, open garden exhibitions and antique openings

REF: DCM

LUA07/1386

Reporting on proposed use of pavilion to accommodate wedding receptions, conferences and antique events, use of two existing cottages for holiday accommodation, with the grounds also made available for garden exhibition days at Lot 6 JDP 634569 Centennial Road, Bowral. The Applicant and one objector have been invited to address Council.

Mr Graham McKee from Legal Solutions, acting for the Applicants, M & S Anderson, addressed the meeting on this matter.

The Development Assessment Manager, Mr Les Pawlak, addressed the meeting and answered questions on this matter.

OC 289/08

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

1. **THAT** Council defer this matter until such time as a site inspection is undertaken at the next meeting of the Inspection Committee to be held on 10 December 2008.
2. **THAT** Environment and Planning provide an up-dated report prior to the Inspection Committee meeting.
3. **THAT** the matter be referred to the next Ordinary Council Meeting of 10 December 2008 for determination.

PASSED

VOTING ON THE MOTION:

Voting for the Motion: *Clr T D Gair, Clr K Halstead, Clr J G Arkwright,
Clr J R Clark, Clr G McLaughlin, Clr J Mauger,
Clr D Stranger, Clr P B Tuddenham, Clr L A C Whipper*

Voting Against the Motion: *Nil*



v-EP2 Proposed 5 Seniors self-care units at 537 Moss Vale Road, Burradoo

REF: DCM

LUA07/1243

Reporting on proposed five (5) seniors self care units under Seniors Living SEPP, at Lot 1 DP918168, No 537 Moss Vale Road, Burradoo. The applicant and a representative of the objectors have been invited to address Council.

This report follows a report to Council on 13 August, 2008 on a proposed seniors living development and recommends that Council reconsider its decision to defer determination of the proposal. Applicant and objector invited to address Council.

Mr Darryl Warry from Rein Warry addressed the meeting on behalf of the Applicant, Mr J O'Loughlin, on this matter.

OC 290/08

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

THAT Development Application LUA2007/1243 for five (5) single storey self care dwellings on Lot 1 DP 918168 at No. 537 Moss Vale Road, Burradoo, be approved subject to conditions deemed appropriate by the Director Environment and Planning and including the special conditions as follows:

1. ***Sewer mains shall be constructed to serve the development. The development is to be connected by gravity to the existing sewer main in Moss Vale Road and the old rising main is to be disconnected from the sewer main and the sewer main sealed.***
2. ***The written permission of those affected landowners, allowing the construction of sewer works on their property, is to be submitted with the construction certificate.***
3. ***The development may be carried out for the accommodation of the following only:***
 - (a) ***seniors or people who have a disability,***
 - (b) ***people who live within the same household with seniors or people who have a disability,***
 - (c) ***staff employed to assist in the administration of and provision of services to housing provided under this Policy.***
4. ***A restriction as to user must be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the [Conveyancing Act 1919](#), limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).***

PASSED



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

VOTING ON THE MOTION:

Voting for the Motion: *Clr T D Gair, Clr K Halstead, Clr J G Arkwright,
Clr J R Clark, Clr G McLaughlin, Clr J Mauger,
Clr D Stranger, Clr P B Tuddenham, Clr L A C Whipper*

Voting Against the Motion: Nil



v-EP3 Proposed Primary School, 28 Garrett Street, Moss Vale

REF: DCM

LUA08/0913

Reporting on proposed primary school at Lot 24 DP 1097006, No 28 Garrett Street, Moss Vale.

This application proposes:

- Operating and erecting a new primary school ;and
- the conversion of the existing house into an administration building;

The application complies with the relevant DCP and is permissible under the zoning. Surrounding residents have objected to the proposal for a range of reasons outlined in the report.

This report proposes that the application be approved as a deferred commencement development consent only.

Mr Peter Gillies, the Applicant, addressed the meeting on this matter.

Mr L Webb addressed the meeting, on behalf of the objectors, on this matter.

The Development Assessment Manager, Mr Les Pawlak, addressed the meeting and answered questions on this matter.

OC 291/08

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

1. THAT Council raise no objections to Development Application LUA08/0913 for the erection of primary school buildings and altering the existing building for administration on Lot 24 DP 1097006 at No. 28 Garrett Street, Moss Vale.
2. THAT the Director of Environment and Planning be authorised to approve the application following further discussions with the applicant in regard to stormwater management, site contamination and compliance with the Building Code of Australia (BCA) and that noise levels comply with relevant the standards.

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

1. **THAT Council defer this matter until such time as a site inspection is undertaken at the next meeting of the Inspection Committee to be held on 10 December 2008.**
2. **THAT Environment and Planning provide an up-dated report prior to the Inspection Committee meeting.**
3. **THAT the matter be referred to the next Ordinary Council Meeting of 10 December 2008 for determination.**



VOTING ON THE AMENDMENT:

Voting for the Motion: ***Clr J Mauger, Clr J G Arkwright, Clr K Halstead,
Clr G McLaughlin, Clr P B Tuddenham***

Voting Against the Motion: ***Clr D Stranger, Clr T D Gair , Clr L A C Whipper,
Clr J R Clark***

AMENDMENT BECAME THE MOTION

MOTION PASSED

VOTING ON THE MOTION:

Voting for the Motion: ***Clr T D Gair, Clr K Halstead, Clr J G Arkwright,
Clr J R Clark, Clr G McLaughlin, Clr J Mauger,
Clr D Stranger, Clr P B Tuddenham, Clr L A C Whipper***

Voting Against the Motion: Nil



v-EP4	Development Application – Dwelling and Garage, Lot 1 DP1122030, Bomballa Road, Wingello
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REF:	DCM
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LUA08/1001

Reporting on a proposal to erect a dwelling-house and a garage. The garage has a floor area of 420m², and it is considered that this is substantially greater than the 150m² floor area permitted by the DCP in a residential zone.

The applicant, Mr Anthony Hans, has sought a variation to this requirement and wishes to address Council.

Having regard to the nature of the proposed use of the garage and the extent of the variation sought, refusal is recommended.

Mr Anthony Hans, the Applicant, addressed the meeting on this matter.

OC 292/08

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

THAT the development application for a dwelling-house and garage on Lot 1, DP1122036, Bomballa Road, Wingello be refused for the following reasons:

- (a) ***The size of the garage is industrial in scale, and therefore inconsistent with the scale of ancillary development within a residential zone.***
- (b) ***The intended use of the garage, being associated with motor sport, specifically hot-rodding and drag racing, has the potential to generate a significant amount of noise and thereby impact upon the amenity of adjoining properties.***
- (c) ***The proposed garage and its intended use are inconsistent with a village/residential setting.***
- (d) ***The proposed garage and its use are not consistent with the objectives of the Residential DCP for ancillary development in a residential zone.***
- (e) ***The proposed garage exceeds the maximum floor area permitted in a residential zone for ancillary development, as set out in the residential DCP.***
- (f) ***The proposed variation to the maximum floor area requirement represents a variation of 280% which has not been justified and, if granted, is likely to set an unacceptable precedent.***

PASSED

VOTING ON THE MOTION:

Voting for the Motion: Clr T D Gair, Clr K Halstead, Clr J G Arkwright,
Clr J R Clark, Clr G McLaughlin, Clr J Mauger,
Clr D Stranger, Clr P B Tuddenham, Clr L A C Whipper

Voting Against the Motion: Nil



REPORT OF TECHNICAL SERVICES DIVISION

Environment & Sustainability

v-TS1	Street Sweeping Contract
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REF: MRR	7501/3, 7502/8
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Report on options for the future provision of Street Sweeping and Litter Bin Emptying services.

OC 293/08

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

1. **THAT Council provide the street and gutter cleaning and litter bin emptying services utilising day labour.**
2. **THAT the Resource Recovery Branch structure be adjusted to cater for the provision of the street sweeping services by day labour through the addition of 3 full time staff.**
3. **THAT advertisements be placed for the employment of permanent truck/plant operators for the street sweeping service and permanent Truck/plant operators for the litter bin emptying service to cover the 7 days per week operation.**
4. **THAT Council continue to hire plant for the Street Sweeping Services and evaluate the purchase from the plant fund of a new compactor for Litter Bin Cleaning Services when the existing compactor is reaching the end of its economic life.**

PASSED

CHAIRPERSON

At this juncture, the time being 5.30 pm, the Mayor resumed the Chair to conduct the remainder of Council Business.



OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

Governance and Accountability

o-EP1 Development Consents Under Delegated Authority

REF	DCM	5302
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Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 3/11/08 and 14/11/08.

MN 420/08

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

THAT the information relating to Development Consent Nos 1-5 under Delegated Authority be received and noted.

PASSED

VOTING ON THE MOTION:

***Voting for the Motion: Clr T D Gair, Clr K Halstead, Clr J G Arkwright,
Clr J R Clark, Clr G McLaughlin, Clr J Mauger,
Clr D Stranger, Clr P B Tuddenham, Clr L A C Whipper***

Voting Against the Motion: Nil



o-EP2 List Of Land Use Applications Received By Council

REF DCM

5302

Submitting list of development applications which have been received between 3/11/08 and 14/11/08, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

MN 421/08

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

THAT the information regarding the *List of Land Use Applications Nos 1-5* received by Council be received and noted.

PASSED

VOTING ON THE MOTION:

Voting for the Motion: *Clr T D Gair, Clr K Halstead, Clr J G Arkwright,
Clr J R Clark, Clr G McLaughlin, Clr J Mauger,
Clr D Stranger, Clr P B Tuddenham, Clr L A C Whipper*

Voting Against the Motion: Nil

Matters Arising from Development Applications Received by Council

1. ERECTION OF 2XSTOREY DWELLING & DEMOLITION OF EXISTING DWELLING UPON COMPLETION, BOONAL, TOURIST ROAD, KANGALOOON LUA08/1152

Clr L A C Whipper referred to Item 5 and queried whether there are any heritage issues in relation to building demolition that affect this matter and asked if a report could be included in the Weekly Circular.

Clr T D Gair requested that information on this matter be included in the Weekly Circular.

2. DAIRY, MAYBERRY FARM, 7 CHURCH STREET, BURRAWANG LAU08/1144

Clr J Mauger and Clr J G Arkwright requested further information in relation to this application.

Clr T D Gair requested that information on this matter be included in the Weekly Circular.



Environment and Sustainability

o-EP3	Variations to <i>DCP Plan Residential Development</i> for consent to Construct a Machinery Shed/Garage at Lot 3 DP 778603 Wilkinson Street, Berrima
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REF:	DCM	LUA08/0734
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An application has been lodged seeking development consent for the erection of a machinery shed at Lot 3 DP 778603 Wilkinson Street Berrima.

The proposal involves 3 variations to *Wingecarribee Development Control Plan Residential Development* (DCP) regarding maximum height of walls and ridge, and maximum total floor area for outbuildings on the one Lot.

The degree of variation to the DCP exceeds the delegations of the Director Environment and Planning.

A conditional approval of the development application is recommended.

MN 422/08

MOTION moved by Clr K Halstead and seconded by Clr G McLaughlin:

THAT Development Application LUA08/0734 for the construction of a machinery shed/garage at Lot 3 DP 778603 Wilkinson Street, Berrima, be approved subject to conditions, including requirements for an appropriate external colour scheme and the demolition of 6 existing outbuildings.

PASSED

<i>VOTING ON THE MOTION:</i>
<i>Voting for the Motion:</i> Clr T D Gair, Clr K Halstead, Clr J G Arkwright, Clr J R Clark, Clr G McLaughlin, Clr J Mauger, Clr D Stranger, Clr P B Tuddenham, Clr L A C Whipper
<i>Voting Against the Motion: Nil</i>



o-EP4 Proposed Expansion of Harbison Care, Moss Vale – 36 Self contained dwellings and Community Centre

REF: DCM

LUA08/0940

Reporting on an application for 36 serviced self contained dwellings (Stage 3) under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, part Lot 4 DP1115913, Yarrowa Road and Lovelle Street, Moss Vale.

MN 423/08

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

1. **THAT** Council raise no objection to LUA08/0940 for 36 serviced self care dwellings on part Lot 4 DP1115913, Yarrowa Road, Moss Vale.
2. **THAT** the Director Environment & Planning be authorised to finalise the determination of LUA08/0940 following further discussions with the applicant in regard to stormwater management and on site vehicle manoeuvring as outlined in the report and that the consent be issued for a 5 year period.

PASSED

VOTING ON THE MOTION:

Voting for the Motion: *Clr T D Gair, Clr K Halstead, Clr J G Arkwright,
Clr J R Clark, Clr G McLaughlin, Clr J Mauger,
Clr D Stranger, Clr P B Tuddenham, Clr L A C Whipper*

Voting Against the Motion: *Nil*



o-EP5	Transfer Granting Easement For Sewer Line: Lot 30 DP1113491, Banksia Street, Bowral
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REF:	DCM
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PN 1758410, LUA07/1461

Reporting on a request from Geoffrey John Matthews & Heidi Jane Matthews to execute Transfer Granting Easement to drain sewage over existing line of pipes.

MN 424/08

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

THAT the Mayor and General Manager be granted authority to execute the Transfer Granting Easement to drain sewage over existing line of pipes relating to Lot 30 DP1113491, Banksia Street, Bowral, from Geoffrey John Matthews and Heidi Jane Matthews to Council, under the Common Seal of the Council.

PASSED



Lifestyle and Community

o-EP6	St Paul's International College seeking reduction in Section 94 & 64 Developer Charges
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REF:	SPM
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LUA08/0065

This report discusses a request from St. Paul's International College's seeking a reduction in Section 94 Development Contributions and Section 64 Water and Sewer Developer Charges in relation to their approved 40-bedroom Student Accommodation Building, LUA08/0065.

MN 425/08

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

- 1. THAT Council waive the requirement for St Paul's International College to pay Section 94 Contributions imposed under Condition 42 of LUA08/0065.***
- 2. THAT Council informs St Paul's International College that it does not support waiving or reducing the Section 64 Water and Sewer Developer Charges as imposed under Condition 43 of LUA08/0065 consent.***

PASSED

<i>VOTING ON THE MOTION:</i>

<i>Voting for the Motion:</i>	<i>Clr T D Gair, Clr K Halstead, Clr J G Arkwright, Clr J R Clark, Clr G McLaughlin, Clr J Mauger, Clr D Stranger, Clr P B Tuddenham, Clr L A C Whipper</i>
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<i>Voting Against the Motion: Nil</i>
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CORPORATE SERVICES DIVISION

Governance and Accountability

o-CS1 Investments as at 31 October 2008

REF: FSM

2104

Submitting details of Council's Investments as at 31 October 2008.

MN 426/08

The Director Corporate Services addressed the meeting in relation to Council's Investments.

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

THAT the information on Council's Investments as at 31 October 2008 be received and noted.

PASSED

o-CS2 Budget Review to 30 September 2008

REF: FSM

2120/2006, 107/21

Submitting a report on the Budget Review as at 30 September 2008.

MN 427/08

The Director Corporate Services addressed the meeting on this matter.

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

THAT Council adopt the recommendation of the Finance Committees meeting held 26 November 2008 and endorse the budget variations as listed in Attachment 1.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
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REPORT OF DIRECTOR CORPORATE SERVICES

ATTACHMENT 1

2008/2009 SEPTEMBER BUDGET REVIEW

BUDGET ITEM NO.	GENERAL FUND	INCREASE INCOME	DECREASE INCOME	INCREASE EXPENSES	DECREASE EXPENSES
	BUDGET ADJUSTMENTS				
	Adopted Budget 08/09				
1	FAGS Grant Income	126,000			
2	Temporary Assistant to Property Officer			15,000	
3	Bowral Country Golf Club Management Plans			15,000	
	TOTALS	126,000	0	30,000	0
	NET RESULT (Surplus) Deficit				(96,000)

2008/2009 SEPTEMBER BUDGET REVIEW

BUDGET ITEM NO.	INTERNAL ADJUSTMENTS	INCREASE INCOME	DECREASE INCOME	INCREASE EXPENSES	DECREASE EXPENSES
	Governance & Accountability				
4	Councillors Sustainance				2,000
5	Mayors Sustainance			2,000	
6	Works in Progress as attached			486,271	
7	From WIP Reserve	486,271			

	Business Enterprise & Development				
8	Tourism Marketing Strategy & Marketing Tools			60,000	
9	Tourism General Promotions				5,000
10	Tourism WIP	10,000			
11	Contribution from Economic Development				15,000
12	Grant Income	30,000			

	Lifestyle & Community				
13	Community Assistance Grants				100,000
14	Various Community Organisations			100,000	
15	Glebe Park S94			55,393	
16	S94 Income	36,914			
17	Land Rental Charge	18,479			
18	Exeter Oval Amenities Block S94			180,556	
19	S94 Income	60,185			
20	Land Rental Charge	120,371			
21	Cycleway Bong Bong to MV CBD S94			173,852	
22	S94 Income	173,852			
23	Pathway Bundanoon Oval to Railway X S94			121,335	
24	S94 Income	121,335			
25	Leighton Gardens S94			223,109	
26	S94 Income	115,060			
27	Land Rental Charge	57,530			
28	Property Development Reserve	50,519			
29	Pools Condition Assesment			70,000	
30	Property Development Reserve	70,000			
31	Traffic Lights Bessemer St			257,791	
32	S94 Income	77,337			
33	Capital Projects Reserve	23,201			
34	RTA Grant	64,448			
35	Land Rental Charge	92,805			
36	Welby to Mittagong Cycleway			418,152	
37	S94 Income	38,735			
38	Land Rental Charge	309,731			
39	Woolworths Contribution	69,686			



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 held in the Council Chamber, Civic Centre, Elizabeth Street,
 Moss Vale on Wednesday, 26 November 2008

REPORT OF DIRECTOR CORPORATE SERVICES

2008/2009 SEPTEMBER BUDGET REVIEW

BUDGET ITEM NO.		INCREASE INCOME	DECREASE INCOME	INCREASE EXPENSES	DECREASE EXPENSES
	INTERNAL ADJUSTMENTS				

Envormental Sustainability					
40	Works in Progress as attached			551,531	
41	From WIP Reserve	551,531			
42	Wattle St Drainage Project			26,255	
43	Savings in stormwater drainage levy projects				21,255
44	Stormwater Drainage Management Charge	5,000			
45	Works in Progress as attached			1,237,899	
46	From WIP Reserve	1,237,899			
	TOTALS	3,820,889	0	3,964,144	143,255
	NET RESULT				0

WATER FUND					
	INTERNAL ADJUSTMENTS				
47	Works in Progress as attached			893,700	
48	From WIP Reserve	893,700			
49	Fence at Hopewood Reservoir				15,000
50	Refurbish Clear Pump Wingecarribee WTP			15,000	
	TOTALS	0	0	0	0
	NET RESULT (Surplus) Deficit				0

SEWER FUND					
	INTERNAL ADJUSTMENTS				
51	Works in Progress as attached			293,223	
52	From WIP Reserve	293,223			
	TOTALS	293,223	0	293,223	0
	NET RESULT (Surplus) Deficit				0



o-CS3 Request for Council Seal re Moss Vale Tennis Club – Deed of Loan Agreement

REF MAS 2130, 2155/1, 6618/9.1

Reporting on request for Council to approve the Council Seal for a Deed of Loan Agreement with the Moss Vale Tennis Club.

MN 428/08

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

THAT the Deed of Loan Agreement between Wingecarribee Shire Council and the Moss Vale Tennis Club be executed under the Common Seal of the Council.

PASSED

o-CS4 Formalisation of Boardman Road and Road Dedications on Emily Circuit and Warby Street, Bowral

REF: PO RD 4502

This report is to request the affixing of the Common Seal of the Council to a plan of subdivision which will dedicate Boardman Road and parts of Emily Circuit and Warby Street Bowral as public road.

MN 429/08

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

- THAT*** the Common Seal of the Council be affixed to the plan of subdivision of Lot 1 Deposited Plan 779654 and Lot 200 Deposited Plan 1014858.
- THAT*** following registration of the plan of subdivision referred to in 1 above, notice of creation of Boardman Road and road dedications on Emily Circuit and Warby Street Bowral be published in the Government Gazette.

PASSED



REPORT OF TECHNICAL SERVICES DIVISION

Lifestyle and Community

o-TS1	Bicycle Strategy for Mittagong, Bowral & Moss Vale
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REF:	RSO	7830/2
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This report recommends that Council adopt the final Bicycle Strategy for Mittagong, Bowral and Moss Vale.

Clr T D Gair commended the staff on the development of the Bicycle Strategy.

MN 430/08

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

1. **THAT** Council adopt the *Wingecarribee Bicycle Strategy*.
2. **THAT** Council consider funding the projects listed in the *Bicycle Strategy* in future budgets in conjunction with competing priorities.
3. **THAT** Council continue to use the *Bicycle Strategy* as a tool to secure external funding for its implementation.
4. **THAT** Council consider the proposal for planning studies in the 2009/10 budget for the inclusion of rural areas and the needs of all types of cyclists.
5. **THAT** Council establish a *Bicycle Working Group* **AND THAT** *Clr J Clark, Clr J G Arkwright* and any other interested Councillors be part of the Working Group.

PASSED

o-TS2	Pedestrian Railway Crossings – Moss Vale and Bowral
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REF:	RTM	7401, 7430
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Providing Council with a report in relation to an Improvement Notice issued by ITSRR to Council in relation to the railway pedestrian crossings at Moss Vale and Bowral.

The Director Technical Services addressed the meeting on this matter.

MN 431/08

MOTION moved by Clr P B Tuddenham moved and seconded Clr J Mauger.

1. **THAT** Council request ARTC to temporarily close both pedestrian railway crossings until an agreement has been reached to upgrade these facilities.
2. **THAT** the matter be raised as a matter of urgency at the Local Government Assembly in Melbourne on 8, 9 and 10 December 2008.
3. **THAT** Council approaches the Federal Government through Mr Alby Schultz, MP, to discuss the upgrading of the pedestrian railway crossings **AND THAT** Council seek as a matter of urgency a meeting with ARTC and Mr Alby Schultz, MP.
4. **THAT** the Local Government and Shires Association be advised of Council's position.
5. **THAT** a Press Release be issued outlining Council's reasons for being placed in this position.
6. **THAT** Temporary Closure signs be erected at both pedestrian railway crossings detailing the reasons why the crossing is closed and with the contact numbers for ARTC and the Federal Member for Hume, Mr Alby Schultz, MP.

PASSED UNANIMOUSLY

QUESTIONS FROM THE PUBLIC

1. NORLEX DEVELOPMENT, GOVERNORS ROAD, BUNDANOON

LUA08/0932

Director of Fronsnova Pty Limited of Bundanoon asked if Council is aware that the Council's grounds for refusal report for the new Norlex development for springwater extraction under Bundanoon is being hurriedly finalised for the call-over on Monday 1 December 2008 and not for consideration and input as planned by Council and the community at Council meeting on 10 December 2008?

The Director Environment & Planning advised that Councillors were probably not aware of the callover on 1 December 2008 and staff are in the process of preparing documentation for the Court as required and still intends to put an assessment report to Council on 10 December 2008 for Council's consideration

2. NORLEX DEVELOPMENT, GOVERNORS ROAD, BUNDANOON

LUA08/0932

Director of Fronsnova Pty Limited of Bundanoon asked if the Council is aware that according to advice received from officer's preparing the grounds for refusal report, that it is not going to include the heritage values of Jackman's Cottage (which has been acknowledged by Norlex's own consultant) and its heritage curtilage Governors Road both currently under an interim heritage order which will expire on 21 December 2008 and both subject to Council's resolution of 23 April 2008 to prepare an amendment to the LEP to include them as items of environmental heritage and to be included in the new draft 2007 LEP?

The Director Environment & Planning advised that the report will include all items that are relevant to the assessment and that includes any potential impact on Jackman's Cottage. What the applicant has done in this application has sought to mitigate any potential issues associated with the development on Jackman's Cottage unlike the previous application, so the conclusion that will be reached may be different but the issue will still be covered in the report.

3. NORLEX DEVELOPMENT, GOVERNORS ROAD, BUNDANOON

LUA08/0932

Director of Fronsnova Pty Limited of Bundanoon asked if Council was aware that the National Trust was extremely helpful in the last Norlex hearing in providing letters to Council identifying the heritage value of the nature of the meandering country lane of Governors Road which formed the single determinative reason for refusal of the last Norlex development application, and that they have again provided Council with two letters identifying the heritage values per se and the legal weight of a draft listing by Council when backed up by a formal resolution such as that of 23 April 2008 and that these letters and advice are not currently being considered relevant for inclusion in the grounds for refusal report, according to what she had been told?

The Director Environment & Planning disagreed with the last part of the statement and advised that Council is aware of the position that the National Trust has on this matter and Council is grateful for the assistance provided and, as indicated in the previous answer, all relevant issues will be part of the report to Council including the heritage value of Jackman's cottage.

4. OXLEY MALL CARPARK, BOWRAL 7145/1, 7860/1

Mr Terry Oakes-Ash asked if Council is aware that the public toilet in Oxley Mall carpark has been internally disfigured with graffiti for approximately a month and queried when will it be painted out? Mr Oakes-Ash has been advised that this will only be done when there is sufficient work for the painting contractor from Wollongong to travel to Bowral.

The Director Technical Services advised that the matter will be investigated and he would be advised of the outcome.

5. EXETER ESTATE, EXETER 8126

Mrs Pam Cooper spoke on behalf of Mr and Mrs Ian Pitt of "Bromsgrove" Exeter Road, Exeter. Mrs Cooper stated that after the Exeter Estate (off Exeter Road) was completed in 1995 the resulting development compounded the volume of stormwater run-off which is downhill from the water tower. The run-off flowed to a ditch on Exeter Road to a drain under the road. This ditch over time becomes blocked with debris, which has resulted on several occasions with stormwater backup and the flooding of the paddocks on Mr & Mrs Pitt's property. A letter to Council in October 2007 was not acted upon and the landowners would appreciate if this matter could be attended to as soon as possible and before the next heavy rain.

The Director Technical Services advised this matter will be taken on notice.

6. BUY LOCAL, SHOP LOCAL, SPEND LOCAL, JOBS LOCAL PROGRAM 600

Mr Ian Scandrett asked whether Council will consider adopting a buy local, shop local, spend local, jobs local program and implement this policy across the whole organisation, whether it be painting of toilets, employment of staff, resourcing of contractors, and living locally.

The General Manager advised that ICAC takes a very dim view of the provision of services by locals at a cost premium but Council will need to make a decision on how to progress this matter.

Clr K Halstead commented that he intends very shortly to move a motion that Council looks at a policy of employing locally and giving preference to local tenders, which is totally permissible under the Act and permissible in accordance with certain documents and circulars that have been distributed by ICAC.



COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 Weekly Circulars

REF.	GM	100/8, 203/2008
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Confirming receipt of weekly circulars from the Local Government Association and Council weekly circulars.

MN 432/08

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

THAT the information relating to Local Government Weekly Circular No 44/08 and Council Weekly Circular Nos. 44/08 and 45/08 be noted.

PASSED

COMMITTEE REPORTS TABLED

c-CR1	Management and Advisory Committee Reports	107
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Submitting minutes of three (3) Committee meetings that will be tabled for information.

MN 433/08

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

THAT the information contained in the Committee Reports be noted.

PASSED

COMMITTEE REPORTS ATTACHED

c-CR2	Minutes of the Legal Committee
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REF.	DEP	107/22
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Submitting minutes of the Legal Committee held 12 November 2008.

MN 434/08

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

THAT the recommendations as detailed in the minutes of the Legal Committee held 12 November 2008 be adopted, it being noted that Clr P B Tuddenham should have been listed as an apology for the meeting.

PASSED



GENERAL BUSINESS

1. IPART MEETING HELD ON 19 NOVEMBER 2008 AT IPART HEAD OFFICE IN SYDNEY 2100, 604/2

Clr K Halstead advised that the submission was initially run by the Director Technical Services Michael Brearley and complimented him on the presentation.

Clr Halstead noted that he and Clr J Mauger and Clr J G Arkwright, together with the Director Technical Services attended the Meeting, and then gave a brief overview of the Meeting.

Clr T D Gair thanked Clrs Halstead, Mauger and Arkwright for giving up their day to attend the meeting and noted the involvement of the staff in the presentation to IPART.

2. INFORMATION SESSION WITH FIGG 101/12

The General Manager addressed the meeting on the outcome of briefing given to Council at the Information Session held on 26 November 2008 and advised that a report will be presented to the next Council meeting for Council to determine its position.

3. SITE COMPATABILITY CERTIFICATE FOR WENSLEY DALE AND COOMUNGIE 5800/18

Clr G McLaughlin requested further information to be provided in the Weekly Circular in relation to the site compatibility certificate from the Department regarding Wensley Dale and Coomungie.

The Director Environment & Planning noted that no formal response has yet been received from the Department.

4. SEALING OF QUARRY ROAD, BUNDANOON RD1843

Clr J R Clark noted the recent sealing of Quarry Road and with the current work to upgrade the sewage treatment plant, heavy truck movements have damaged the bitumen surface. He asked whether the contractor will restore the road surface to a serviceable state once works are complete.

The Director Technical Services advised that the sealing to Quarry Road is a temporary seal and once construction has been completed the final seal will be placed.



5. WIDENING OF BLUE GUMS ROAD, BUNDANOON RD1809

Clr J R Clark asked if a site inspection of road widening proposed for Blue Gums Road could be conducted on the next Council Inspection Committee meeting on 10 December 2008.

The General Manager advised that the presentation before the site inspections on 10 December 2008 has now been cancelled and if Councillors were to agree and could be available from 10.30 am instead of 11.30 am then that inspection could be fitted in on that day noting that inspections would be from 10.30 am to 1.30 pm.

6. MEETING WITH THE MINISTER FOR PLANNING, THE HON KRISTINA KENEALLY ON WEDNESDAY 12 NOVEMBER 2008 LUA07/1364

Clr L A C Whipper asked if have Council had heard anything from the Minister since the meeting on 12 November 2008 and Council's request for a moratorium.

The Director Environment & Planning advised that he had spoken with the Minister's adviser this morning. The Minister's adviser was non-committal although the impression gained was that it will rest on Council's LEP and the provisions therein as to whether or not the Department sees a balance between what would be allowed under State policy and what Council will allow and if the balance is correct then Council will be exempted but that will not happen before the LEP is in place.

The Director Environment & Planning advised in relation to the LEP Council is about to receive its certificate to re-exhibit which is too late for this year but will allow Council to commence the re-exhibition at the beginning of February 2009.

7. TOILET BLOCK AT OXLEY MALL CARPARK, BOWRAL 7145/1, 7126

Clr L A C Whipper noted recently a group of young males (about 15) congregating outside the public toilets in Oxley Mall Carpark. Some were also loitering inside the doorway of the female toilets which was quite threatening and enquired who is responsible for policing these public facilities and is there a way of ensuring the free access of residents to public toilets such as these. Does centre management provide security guards?

The Director Technical Services advised that it is a public area so it is a Police function.

Clr T D Gair advised that he had recently spoken to the Oxley Mall security guard in relation to this matter. He made comment that the youths hang around outside Oxley Mall and when they are asked to leave they walk over to the toilet block and make rude gestures to him and he cannot do anything and asked if there was anyway he could work with Council to overcome the problem.

Clr L A C Whipper asked if it is possible to alert the Police about the problem.



The General Manager advised that he will ask the Director Technical Services to write to the Police on behalf of the Council but suggested that Clr L A C Whipper should write a letter to the Police as a resident and as a Councillor expressing concern. The letter should be addressed to Inspector Hamish East.

8. DEVELOPMENT APPLICATION - MEDICAL PRACTICE, ARGYLE STREET, MOSS VALE (DR CONOMOS) LUA08/1047

Clr P B Tuddenham apologised to the Director Environment & Planning that he had not had the opportunity of reading the response he had received but requested a meeting with the Mayor, Clr T D Gair, the General Manager and the Director Environment & Planning and any other interested Councillors to discuss the development application.

The Mayor, Clr T D Gair advised that he would discuss this matter at a later time.

9. MITTAGONG CENTRAL LUA05/0832

Clr P B Tuddenham noted he had not taken part in any debate in relation to this development but would like an up-date on the building as a whole, particularly in relation to safety and security concerns and the roadwork in Station Street which is not satisfactory. He asked what Council's obligations are concerning these matters and asked if the matter could be dealt with in the Weekly Circular.

10. PROPOSED MEDICAL CENTRE AT THE NORTHERN END OF MOSS VALE LUA06/0813

Clr P B Tuddenham requested an up-date on this development.

Clr T D Gair advised that further information would be available next Monday, 1 December 2008 when the matter is referred to the Traffic Committee and the minutes of that meeting will then be forwarded to the next Council Meeting.

11. SOUND SYSTEM IN COUNCIL CHAMBERS 7100/1

Clr P B Tuddenham asked if Council could get a costing for a new sound system.

The Mayor, Clr T D Gair advised that a quote previously obtained was for about \$60,000.00.

12. DEVELOPMENT IN RANGE AND CHURCH STREET, BURRAWANG LUA06/0029, LUA07/1443

Clr J G Arkwright asked if Council had a policy in relation to kerb and guttering in villages noting that residents of Burrawang had received notification of kerb and guttering at this development and that Range Street is unsealed. This is a matter of concern in the villages and the policy needs to be clearly defined.



The Director Environment & Planning advised that the appropriate place for Council to deal with this matter is through the Development Control Plan (DCP) system. Council had recently adopted a DCP for the village of Exeter which included some general comments and guidance to the type of roadworks that would be suitable in retaining the ambience of the village. Council is drafting some like DCPs for other villages and some work has been done on Burrawang. However, the DCPs follow on from the LEP and as the LEP has been delayed the DCPs are awaiting finalisation at the appropriate time.

13. RECONSTRUCTION OF ERITH STREET, BUNDANOON RD1819

Clr K Halstead referred to the reconstruction of Erith Street, Bundanoon, which was undertaken 3-years ago and is "failing". Clr K Halstead asked what tests had been carried out? Were there CBR tests undertaken and what were they, and was the so-called bauxite material stabilised? He asked if the Director Technical Services could submit a report in relation to the matter.

14. SHIPPING CONTAINERS 7920/3.1

Clr K Halstead requested information on the tender for the shipping containers that closed on Friday 14 November 2008 and enquired whether Council had received any tenders. The Cricket Club had indicated that if there was a container left over they would be interested in purchasing one and asked if this could be given consideration.

Clr J Mauger noted that he has been contacted by a successful tenderer of the shipping container tender and understands that the containers have all been sold.

15. FOXGROVE ROAD, CANYONLEIGH RD2104

Clr K Halstead noted that 2 kms had been graded over a period of two (2) weeks and the road "is a mess" and asked the Director Technical Services to investigate this matter.

16. FOOTPATH TO FOUNTAINDALE ROAD, ROBERTSON 7810/5, RD3612

Clr J Mauger noted surveying on Illawarra Highway east of Robertson and persons from RTA doing a detailed inspection of that road from the Old Cheese Factory to Fountaindale Road, and enquired whether this inspection was being undertaken with a view to of putting in the footpath-cycleway.

The Director Technical Services advised that it was Council staff doing the surveying. The footway is Council's highest priority, unfunded at this stage, for a pathway project. Council is preparing a design for it at the moment and noted that Council has been at loggerheads with the RTA over this matter. The RTA has standards which make the project very expensive and unaffordable and noted that Council will be negotiating with the RTA over the forthcoming weeks to try and agree on a standard that is both acceptable to the RTA and affordable to Council.



Clr L A C Whipper asked if there would be any advantage in another delegation to the Minister for Kiama, Matt Brown, MP.

The General Manager advised that once the costing had been sorted out Council should consider a further delegation, as the Councillors who were present at the initial meeting with The Hon Eric Roozendaal, MP, and the Member for Kiama, Matt Brown, will recall the undertakings given at that initial meeting. The General Manager noted that Council should consider using part of the \$750,000 from Federal Government on this project, as these funds need to be committed to by 30 January 2009 and spent by 30 September 2009.

17. ILLAWARRA HIGHWAY/CHURCH STREET, BURRAWANG 7810/10.1

Clr T D Gair asked if Clr P B Tuddenham could make a request at the Traffic Committee on Monday 1 December 2008, as a matter of urgency, for the removal of vegetation on the south eastern side of the Illawarra Highway/Church Street intersection, Burrawang, noting that the visibility for vehicles entering the Illawarra Highway from Church Street is severely obstructed by vegetation.

18. CLOSURE OF KANGALOON PUBLIC SCHOOL 1510/8

Clr G McLaughlin raised the issue of the proposed closure of Kangaloon Public School which should be of concern in the Shire and asked if Council could show some support (although it is a State issue), noting that other small schools in the area will be concerned if the State Government starts closing the small schools.

Clr T D Gair said that he would discuss this matter with Clr McLaughlin at a later time.



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 26 November 2008
OPEN COUNCIL

CORPORATE SERVICES DIVISION

c-CS1 Closed Council

107/9

To consider moving into Closed Council.

It was noted that Council agreed not to consider the Closed Council item c-CS1, the reason being that there was no further information at this time.

ADOPTION OF OPEN COUNCIL

107/10

MN 435/08

MOTION moved by *Clr T D Gair* seconded by *Clr K Halstead*:

THAT *the recommendations of the Open Council held on Wednesday, 26 November 2008 being OC 289/08 to OC 293/08, be adopted.*

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 26 November 2008
OPEN COUNCIL

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.05 PM.

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 26 November 2008 numbered M/N 414/08 to M/N 435/08, were signed by me hereunder at the Council Meeting held on Wednesday, 10 December 2008.

CHAIRMAN

READ AND CONFIRMED THIS 10th day of December 2008

CHAIRMAN

PUBLIC OFFICER