

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/08



held on Wednesday, 17 December 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, 17 December 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, 17 December 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 (AOE)

PRAYER

100/1

The meeting was opened with the Civic Prayer led by *the Mayor, Clr T D Gair*.

APOLOGY

There were no apologies for this meeting.



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CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 10
DECEMBER 2008

100/1

Clr J G Arkwright joined the meeting at 3.32 pm.

MN 468/08

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 2008 MN 436/08 to MN 467/08 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

BUSINESS ARISING

Nil



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DECLARATIONS OF INTEREST

DECLARATIONS OF INTEREST

101/3

Clr J R Clark declared a non-pecuniary interest in Item o-CS2 as one of the community nominees for the Environment & Sustainability Committee was a member of his team at the last Council elections. He stated that he will remain in the chamber, discuss the matter and vote on it.

Clr L A C Whipper declared a non-pecuniary interest in Item o-CS2 as one of the community nominees for the Environment & Sustainability Committee was a member of his team at the last Council elections. He stated that he will remain in the chamber, discuss the matter and vote on it.

Clr L A C Whipper declared a pecuniary interest in Item o-EP1 as a friend of his lives within the proposed zone and there could be a perception that this fact has influenced his decision. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.

Clr P B Tuddenham declared a non-pecuniary interest in Item o-CS2 as one of the community nominees for the Wingecarribee Sport & Recreation Working Group was a member of his team at the last Council elections. He stated that he will remain in the chamber, discuss the matter and vote on it.

Clr J Mauger declared a non-pecuniary interest in Item o-CS2 as one of the community nominees for the Wingecarribee Sport & Recreation Working Group was a member of his team at the last Council elections. He stated that he will remain in the chamber, discuss the matter and vote on it.



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MAYORAL MINUTE

MAYORAL MINUTE

c-MM1 Achievements and Challenges

REF. MAYOR

103/3 (cc 102/5)

Recognising the contribution made by Councillors, Council staff and citizens in our community during the past twelve months.

The Mayoral Minute was distributed to Councillors at the meeting.

MN 469/08

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

THAT recognition of the contribution of achievements and challenges made by Councillors, Council staff and citizens in our community during the past twelve months be noted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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MAYORAL MINUTE

OPEN COUNCIL

MN 470/08

107/10

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

THAT Council moves into Open Council to discuss various matters listed in the Agenda with the Mayor, Clr T D Gair remaining in the Chair.

PASSED



OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

o-EP1 Proposed Tourist Zone Locations within the Draft LEP 2007

REF: MSP 5900

The purpose of this report is seek a formal Council resolution to modify the adopted Draft LEP 2007, before commencement of the re-exhibition of the Draft Plan, by removing two of the proposed locations within the Shire from the proposed SP3 Tourist Zone.

Interest: Clr L A C Whipper declared a non-pecuniary interest in this matter as a friend of his lives within the proposed zone and there could be a perception that this fact has influenced his decision. He left the chamber at 3.36 pm, took no part in the debate and refrained from voting thereon.

OC 299/08

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

THAT the proposed Tourist Zone over Areas 1 and 2 as illustrated in the report be deleted from the Draft LEP as proposed SP3 Tourist Zone and that a note be included with the re-exhibited Draft LEP accordingly.

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
and Clr D Stranger

Voting Against the Motion: Clr P B Tuddenham



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP2 Proposed Shire Family and Community Centre

REF: SPM

1855/10

REPORT

In response to a request raised in General Business at the Ordinary Meeting of Council on 22 October 2008, this report proposes a suitable location for a proposed family community services centre for the Shire.

A Memorandum dated 15 December 2008 concerning this matter was forwarded to Councillors prior to the meeting.

Clr L A C Whipper returned to the Chamber at 3.44 pm.

OC 300/08

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

1. **THAT Council agrees to Lot 2 Bessemer Street, Mittagong as the suitable site for a Shire Family and Community Centre.**
2. **THAT Clrs JR Clark, G McLaughlin and L A C Whipper be nominated as Councillor delegates to participate in project planning of the Shire Family and Community Centre with the Wingecarribee Family Centre Inc Management Committee and other interested parties.**
3. **THAT Council endorses participation of the Shire Social Planner in planning of the Shire Family and Community Centre and the sourcing of state and federal government funding.**
4. **THAT Council adopt planning and construction of the Shire Family and Community Centre as an integrated whole of Council project facilitated by the Community and Lifestyle Program team.**

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 and
Clr L A C Whipper**

Voting Against the Motion:

Nil

Lifestyle and Community

o-EP3	Proposed Remaining Council Owned Land Identified for Reclassification from Community to Operational
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REF:	SPM
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5900, 7120

Council at its meeting on 10 December 2008 resolved as follows:

THAT the report on Proposed Remaining Council Owned Land Identified for Reclassification from Community to Operational be deferred for consideration to the Ordinary Council meeting to be held on Wednesday, 17 December 2008.

The purpose of this report is to re-submit to Council an amended report of 12 November 2008 on the proposed remaining council owned land identified in the Draft Local Environmental Plan 2007 for reclassification from community to operational following discussion at the LEP Sunset Working Group Meeting held on 3 December 2008.

OC 301/08

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

THAT Council adopt the recommendations in the following table with the exception of Items A, C, E, G, H and J:

Locality	Council Recommendation
Berrima	A <u>THAT</u> Council <u>NOT</u> proceed with the reclassification and rezoning of Lots 6 and 7, DP 249793, Old Hume Highway (Public Reserve) Berrima and zone the land E2 Environmental Conservation accordingly.
Bowral	B <u>THAT</u> Council <u>NOT</u> proceed with the reclassification and rezoning of Part of Lot 1, DP 85220, Oxley Drive (Bowral Swimming Pool) Bowral and zone the land RE1 Public Recreation accordingly.
	C <u>THAT</u> Council <u>NOT</u> proceed with the reclassification and rezoning of Lot 8, DP 241836, Beavan Place (Unnamed Reserve) Bowral and zone the land RE1 Public Recreation accordingly.
	D <u>THAT</u> Council <u>NOT</u> proceed with the reclassification and rezoning of Lot 10, DP 701530, Oxley Hill Road (Public Reserve) Bowral and zone the land E2 Environmental Conservation accordingly.

	E	<u>THAT</u> Council <u>PROCEED</u> with the rezoning and reclassification of Lots 112 and 113, DP 24267, Sheaffe Street (part of Apex Park) Bowral to R2 Low Density Residential and classified as Operational land in order to construct a house proposed to accommodate people with a disability and rezone Lots 92 and 114 DP 24267, Sheaffe Street and Price Street Bowral to RE1 Public Recreation and classified as Community Land.
	F	<u>THAT</u> Council <u>NOT</u> proceed with the reclassification and rezoning of Lot 1 Sec A, Woodbine Street Bowral and zone the land RE1 Public Recreation accordingly.
Braemar	G	<u>THAT</u> Council <u>PROCEED</u> with the rezoning and reclassification of Lot 12, DP 788983, Government Road Braemar as publicly exhibited under Wingecarribee LEP 2007.
Hill Top	H	<u>THAT</u> Council <u>NOT</u> proceed with the reclassification and rezoning of Lots 16 and 17, Sec 3, DP 6221, 104-106 Wilson Drive (Hill Top Memorial Hall) Hill Top and zone the land R2 Low Density Residential accordingly.
Kangaloon	I	<u>THAT</u> Council <u>NOT</u> proceed with the reclassification and rezoning of Lot 244 DP 751277, Kirkland Road (Unused Rural Fire Shed) Kangaloon and zone the land E3 Environmental Management accordingly.
Mittagong	J	<u>THAT</u> Council <u>NOT</u> proceed with the reclassification and rezoning of Lot 33, DP 9299, Rainbow Road and Old Hume Highway (Mineral Springs Reserve) Mittagong and zone the land RE1 Public Recreation accordingly.
Moss Vale	K	<u>THAT</u> Council <u>NOT</u> proceed with the reclassification and rezoning of Part of Lot 126, DP 263356, Anembo Street (Unnamed Reserve) Moss Vale and zone the land RE1 Public Recreation accordingly.
	L	<u>THAT</u> Council <u>NOT</u> proceed with the reclassification and rezoning of Lot 20, DP 262491, Stanley Terrace (Unnamed Reserve) Moss Vale and zone the land RE1 Public Recreation accordingly.
	M	<u>THAT</u> Council <u>NOT</u> proceed with the reclassification and rezoning of Lot 191, DP 577152 and Lot 1, DP 819560, Lackey Road Moss Vale and zone the land R2 Low Density Residential accordingly.
	N	<u>THAT</u> Council <u>NOT</u> proceed with the reclassification and rezoning of Lot 2, DP 263656, Cherry Tree Close (Public Reserve) Moss Vale and zone the land RE1 Public Recreation accordingly.

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 and
Clr L A C Whipper*

Voting Against the Motion: *Nil*

OC 302/08

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

THAT the following items be dealt with ad seriatim:

Item A – Lots 6 and 7, DP 249793, Old Hume Highway (Public Reserve) Berrima;

Item C – Lot 8, DP 241836, Beavan Place (Unnamed Reserve) Bowral;

Item E – Lots 92, 112, 113 and 114, DP 24267, Sheaffe Street and Price Street (Apex Park) Bowral;

Item G – Lot 12 DP 788983, Government Road, Braemar;

Item H – Lots 16 and 17, Section 3, DP 6221, 104-106 Wilson Drive (Hill Top Memorial Hall) Hill Top; and

Item J – Lot 33, DP 9299, Rainbow Road and Old Hume Highway (Mineral Springs Reserve) Mittagong

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 and
Clr L A C Whipper*

Voting Against the Motion: *Nil*



ITEM A – LOTS 6 AND 7, DP 249793, OLD HUME HIGHWAY (PUBLIC RESERVE) BERRIMA

-

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

THAT Council proceed with the rezoning and reclassification of Lots 6 and 7, DP 249793, Old Hume Highway (Public Reserve) Berrima as publicly exhibited under Wingecarribee LEP 2007.

LOST

VOTING ON THE MOTION:

Voting for the Motion: Clr D Stranger and Clr P B Tuddenham

Voting Against 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 and Clr L A C Whipper

OC 303/08

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

THAT Council **NOT** proceed with the rezoning and reclassification of Lots 6 and 7, DP 249793, Old Hume Highway (Public Reserve) Berrima as publicly exhibited under Wingecarribee LEP 2007 and zone the land E2 Environmental Conservation accordingly.

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,
and Clr L A C Whipper

Voting Against the Motion: Clr D Stranger and Clr P B Tuddenham



ITEM C – LOT 8, DP 241836, BEAVAN PLACE (UNNAMED RESERVE) BOWRAL

OC 304/08

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

THAT Council NOT proceed with the reclassification and rezoning of Lot 8 DP 241836, Beavan Place (Unnamed Reserve) Bowral and zone the land RE1 Public Recreation accordingly.

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 and Clr L A C Whipper***

Voting Against the Motion:

Clr P B Tuddenham



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

ITEM E – LOTS 92, 112, 113 AND 114, DP 24267, SHEAFFE STREET AND PRICE STREET (APEX PARK) BOWRAL

OC 305/08

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

THAT Council NOT proceed with the reclassification and rezoning of Lots 92, 112, 113 and 114, DP 24267, Sheaffe Street and Price Street (Apex Park) Bowral and zone the land RE1 Public Recreation accordingly AND THAT Council maintains its commitment in identifying lands suitable for housing for people with a disability with the location to be determined as appropriate for the above.

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

THAT Council proceed with the rezoning and reclassification of Lots 112 and 113, DP 24267, Sheaffe Street (part of Apex Park) Bowral to R2 Low Density Residential and classified as Operational land in order to construct a house proposed to accommodate people with a disability and rezone Lots 92 and 114 DP 24267, Sheaffe Street and Price Street Bowral to RE1 Public Recreation and classified as Community Land.

LOST

VOTING ON THE AMENDMENT:

Voting for the Amendment: Clr G McLaughlin and Clr P B Tuddenham

Voting Against the Motion: Clr T D Gair, Clr K Halstead, Clr J G Arkwright, Clr J R Clark, Clr J Mauger, Clr D Stranger and Clr L A C Whipper

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 J Mauger, Clr D Stranger and Clr L A C Whipper

Voting Against the Motion: Clr G McLaughlin and Clr P B Tuddenham

ITEM G – LOT 12 DP 788983, GOVERNMENT ROAD, BRAEMAR

OC 306/08

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

THAT Council proceed with the rezoning to IN1 Industrial and reclassification to Operational Land of Lot 12, DP 788983, Government Road, Braemar as previously publicly exhibited under Wingecarribee LEP 2007.

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

THAT Council proceed with the rezoning to IN1 Industrial and reclassification to Operational Land of Lot 12, DP 788983, Government Road, Braemar as previously publicly exhibited under Wingecarribee LEP 2007 **AND THAT** the net proceeds of the sale of the land go towards the proposed construction of the proposed Shire Family and Community Centre to be built in Mittagong.

LOST

VOTING ON THE AMENDMENT:

Voting for the Amendment: Clr J R Clark, Clr G McLaughlin and
Clr L A C Whipper

Voting Against the Amendment: Clr T D Gair, Clr K Halstead, Clr J G Arkwright,
Clr J Mauger, Clr D Stranger and
Clr P B Tuddenham

MOTION PAST

VOTING ON THE MOTION:

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

Voting Against the Motion: Clr J R Clark



ITEM H – LOTS 16 AND 17, SECTION 3, DP 6221, 104-106 WILSON DRIVE (HILL TOP MEMORIAL HALL) HILL TOP

OC 307/08

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

THAT Council NOT proceed with the reclassification and rezoning of Lots 16 and 17, Sec 3, DP 6221, 104-106 Wilson Drive (Hill Top Memorial Hall) Hill Top and zone the land R2 Low Density Residential accordingly.

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

THAT this matter be deferred until the end of February 2009 so that this matter can be considered further by Councillors at an Information Session.

PASSED

VOTING ON THE AMENDMENT:

Voting for the Amendment: Clr T D Gair, Clr J G Arkwright, Clr G McLaughlin,
Clr D Stranger, Clr P B Tuddenham

Voting Against the Amendment: Clr J R Clark, Clr K Halstead, Clr J Mauger and
Clr L A C Whipper

AMENDMENT BECAME THE MOTION

MOTION PASSED

VOTING ON THE MOTION:

Voting for the Motion: Clr T D Gair, Clr J G Arkwright, Clr G McLaughlin,
Clr D Stranger, Clr P B Tuddenham

Voting Against the Motion: Clr J R Clark, Clr K Halstead, Clr J Mauger and
Clr L A C Whipper



ITEM J – LOT 33, DP 9299, RAINBOW ROAD AND OLD HUME HIGHWAY (MINERAL SPRINGS RESERVE) MITTAGONG

OC 308/08

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

THAT this matter be deferred **AND THAT** an information session be held as soon as possible in the New Year following consultation with the Mittagong RSL Club.

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 and
Clr L A C Whipper**

Voting Against the Motion:

Nil



CORPORATE SERVICES DIVISION

Governance and Accountability

o-CS1	Investments as at 30 November 2008
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REF:	FSM	2104
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Submitting details of Council's Investments as at 30 November 2008.

OC 309/08

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

THAT the information on Council's Investments as at 30 November 2008 be received and noted.

PASSED

o-CS2 Community Representatives for Appointment

REF.	MAS	1660/1, 107/25, 107/34, 1671/8, 1826/4, 107/30,
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Reporting on nominations for community representatives for the following committees:

- | | | |
|-----|--|--------|
| (a) | Arts & Culture Board Working Group – | 1660/1 |
| (b) | Environment & Sustainability Committee – | 107/25 |
| (c) | Finance & Internal Audit Committee – | 107/34 |
| (d) | Tulip Time Working Group - | 1671/8 |
| (e) | Wingecarribee Aboriginal Advisory Committee – | 1826/4 |
| (f) | Wingecarribee Sport & Recreation Working Group – | 107/30 |

It was noted that Mr Terry Loader was omitted in error from the list for consideration of the Wingecarribee Sport & Recreation Working Group.

OC 310/08

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

1. **THAT the following community members be appointed to the various committees as detailed below:**

- (a) **ARTS & CULTURE BOARD WORKING GROUP**
(Five (5) Community Representatives)
- (i) **Ken Challenor**
 - (ii) **Harlan Hall**
 - (iii) **Michelle Lindau**
 - (iv) **Josina Metcalfe**
 - (v) **Richard Ruhfus**
- (b) **ENVIRONMENT & SUSTAINABILITY COMMITTEE**
(Five (5) Community Representatives)
- (i) **Margaret Krahenbuhl**
 - (ii) **Jane Hainke**
 - (iii) **Tony Hill**
 - (iv) **Jane Lemann**
 - (v) **Maree Byrne**
- (c) **FINANCE & INTERNAL AUDIT COMMITTEE**
(Five (5) Community Representatives)
- (i) **Janet Edwards**

- (d) **TULIP TIME WORKING GROUP**
(Five (5) community Representatives) – (Six (6) appointed)
- (i) Carl Berglin
 - (ii) Denise Layton
 - (iii) Patricia Cummins
 - (iv) Peter Fleming
 - (v) Tony Glenn
 - (vi) Terry Oakes-Ash
- (e) **WINGECARRIBEE ABORIGINAL ADVISORY COMMITTEE**
(Three (3) community representatives who are Aboriginal or Torres Strait Islander with one (1) being a traditional owner) – (Four (4) appointed)
- (i) David Hough (Traditional owner)
 - (ii) Wendy Lotter
 - (iii) Velma Mulcahy
 - (iv) Eileen (Annie) Warren
- (f) **WINGECARRIBEE SPORT & RECREATION WORKING GROUP**
(Five (5) Community Representatives)
- (i) Grahame Andrews
 - (ii) Ian Campbell
 - (iii) Gordon Munro
 - (iv) Lisaanthea Taylor
 - (v) Terry Loader
- Keith Williams as Alternate Delegate
2. **THAT Council re-advertise for four (4) community representatives for the Finance and Internal Audit Committee with a report to be brought back to Council at the first meeting possible in 2009.**
3. **THAT the committee structure of the Tulip Time Committee be amended to include six (6) community representatives.**
4. **THAT the constitution of the Wingecarribee Aboriginal Advisory Committee be reviewed with a view to increasing the number of representatives to four (4) community representatives who are Aboriginal or Torres Strait Islander with one (1) being a traditional owner.**
5. **THAT Keith Williams be appointed as an Alternate Delegate to the Wingecarribee Sport and Recreation Working Group acknowledging his lifetime commitment to sporting groups within the Shire and as a foundation member of the Wingecarribee Sport and Recreation Working Group.**

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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REPORT OF DIRECTOR CORPORATE SERVICES

o-CS3	Councillors Strategic Workshop at Briars Friday 21 & Saturday 22 November 2008
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REF.	MAS	101/12
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Reporting on costs associated with Councillors Strategic Workshop held at the Briars on Friday 21 and Saturday 22 November 2008.

The Director Corporate Services addressed Council on this matter noting corrections to the costings as detailed on page 65 of the Agenda as follows:

Overall costs (\$4,629.80) associated with the workshop are not \$184.00 per person per day but \$159.64 per person per day and the average cost of beverages (\$381.80) is not \$14.68 per person per day but \$13.17 per person per day.

OC 311/08

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

THAT the information in relation to the Councillors Strategic Workshop held at the Briars on Friday 21 and Saturday 22 November 2008 be received and noted.

PASSED



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REPORT OF DIRECTOR TECHNICAL SERVICES

TECHNICAL SERVICES DIVISION

Lifestyle and Community

o-TS1 Regional and Local Community Infrastructure Program

REF: DTS

2151/3, 2151/4

Reporting on two grant programs announced by the Federal Government.

OC 312/08

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

1. **THAT** Council adopt the following works program for expenditure of the \$752,000 grant:-

Priority	Project	Estimate
1	Robertson Pathway	\$135,000
2	Soccer Fields Lighting Upgrade	\$150,000
3	Resource Recovery Centre – Second weighbridge	\$100,000
4	Parks Upgrade Projects 1 to 3	\$325,000
5	Bowral to Mittagong Shared Pathway Scoping Study	\$ 42,000
	TOTAL	\$752,000

2. **THAT** Council lodge a grant application to fund the construction of an Education Centre at the Resource Recovery Centre under the strategic grants program.
3. **THAT** the Robertson Pathway be recognised as a major works priority for Council **AND THAT** Council make urgent representation, early in the new year, to local Members of Parliament Matt Brown, Member for Kiama and Ms Pru Goward, Member for Goulburn, the RTA and the Minister for Road, The Hon Michael Daley, MP, to discuss this matter and request appropriate funding **AND FURTHER THAT** they be invited to a site inspection.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 17 December 2008

REPORT OF THE GENERAL MANAGER

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.

OC 313/08

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

THAT the information relating to Local Government Weekly Circulars Nos 45/08 – 48/08 and Council Weekly Circulars Nos 46/08 – 49/08 be noted.

PASSED

COMMITTEE REPORTS ATTACHED

c-CR2 Minutes of the Legal Committee		
REF.	DEP	107/22

Submitting minutes of the Legal Committee held 10 December 2008.

OC 314/08

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

THAT the recommendations as detailed in the minutes of the Legal Committee held Wednesday 10 December 2008 be adopted with the exception of Item 10 – Annesley – Usage of Non Residential Facilities and Item 15 -The Manning – Usage of Property and Works Without Consent.

PASSED

10. ANNESLEY – USAGE OF NON RESIDENTIAL FACILITIES

PN3200,LUA03/1979; 99/0976

Council's Legal Committee has considered a number of reports on this matter dealing with the non residential activities/businesses undertaken on the site.

OC 315/08

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

- 1. THAT Council acknowledge the information provided by Annesley in its letter of 27 November 2008 and advise that this acknowledgement is not to be misconstrued as Council condoning all activities on site nor is it an approval.**
- 2. THAT Council monitor and review the matter on a six monthly basis and invite the operators and neighbours to attend another meeting with Council staff at the end of that review period.**
- 3. THAT the Traffic Committee review the need for parking restrictions within Whéen Close to ensure that the free flow of traffic is not impeded AND THAT consideration be given to the introduction of no stopping on one side of the street.**
- 4. THAT the Director, Environment & Planning bring forward a detailed report to the Legal Committee before the expiration of the six month review period.**

PASSED

15. THE MANNING – USAGE OF PROPERTY AND WORKS WITHOUT CONSENT
PN1705917 & 1705917

This property is on the corner of Kangaloon Road and Martha Street, Bowral. The usage as a Motel has recently recommenced after a lengthy period of vacancy.

Council staff have met with the operators of the Motel on the 2nd December and informed them of Councils requirements. The Chair suggested that Council confirm its ability to insist upon a new Development Application.

OC 316/08

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

THAT *the information be received and noted **AND THAT** Council seek legal advice on its ability to request a development application.*

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 17 December 2008

QUESTIONS FROM THE PUBLIC

QUESTIONS FROM THE PUBLIC

1. AUSTRALIAN LIFESTYLE CORPORATION PTY LTD 'CAPERNWRAY', MOSS VALE ROAD, BURRADOO 502/63, LUA06/1457

Mrs Pam Cooper referred to the Legal Committee Minutes Item 12 and asked if it was correct the 'Capernwray' development was going back to the Land and Environment Court.

The Director Environment & Planning advised that the applicant has lodged an appeal with the Court of Appeal but Council is not aware at this time the grounds on which they are appealing and they do not have to do that until 9 January 2009.

2. "VINE LODGE" AND EXETER QUARRY DEVELOPMENTS AT EXETER LUA04/0716

Mrs Pam Cooper referred to page 10 and 11 of the Minutes of the Council Meeting on 10 December 2008 and asked if the matter had been investigated.

The Director Environment & Planning advised that the answer was "Yes".

GENERAL BUSINESS

1. ACKNOWLEDGEMENT BY COUNCIL OF THE CELEBRATION BY MR AND MRS
ARTHUR AND HILDA BEASLEY OF THEIR 70TH WEDDING ANNIVERSARY
600/5

Clr G McLaughlin noted that Mr and Mrs Arthur and Hilda Beasley of Bowral are celebrating their 70th wedding anniversary today. Arthur Beasley has been involved in the local community for many years. He was the Principal of Toombong, he was a cricket coach, and more recently he has been involved in Gibbergunyah Reserve. He was involved in raising money for the construction for the Bowral Pool and he was involved in the formation of Tulip Time in Bowral. Clr McLaughlin asked Council to acknowledge this special anniversary of Mr and Mrs Beasley.

2. PROPOSED CONFERENCE FACILITY AT THE SUTTON FOREST HOTEL
LUA07/1118

Clr L A C Whipper reported on a meeting that he and Clr J Arkwright had attended at Sutton Forest in relation to the Development Application to come before Council in relation to the proposed conference facility at the Sutton Forest Hotel. He advised that he had forwarded a list of questions that were being addressed by the Director Environment & Planning, noting that there were a few further questions to be answered. Clr Whipper requested clarification that the submission closing date had been extended to 23 January 2009.

The Director Environment & Planning advised the closing date was 23 January 2009 which will allow time for finalisation of the report to Council Meeting on 11 February 2009.

MATTER OF URGENCY

3. COUNCIL'S LEP 5900

Clr P B Tuddenham noted the delay with Council's LEP and that the s65 Certificate will not now issue until next year and asked if an appointment could be arranged with the Minister for Planning or the Director General of the Department of Planning and requested that the matter be dealt with as a matter of urgency.

OC 317/08

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

THAT the request for an appointment with the Minister for Planning or the Director General of the Department of Planning on the delay with Council's LEP be treated as a matter of urgency

PASSED

The Mayor ruled that this matter be considered as a Matter of Urgency.

OC 318/08

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

THAT in relation to the LEP Council make urgent representations to the Minister for Planning and/or the Director General of the Department of Planning in relation to the issue of the s65 Certificate.

PASSED

4. ILLAWARRA DISABILITY TRUST – CARER’S RELIEF ACCOMMODATION,
PARMENTER COURT, BOWRAL LUA07/1004

Clr J G Arkwright requested that the original application and approval for the Illawarra Disability Trust property at Parmenter Court, Bowral, be brought forward for Council’s perusal early in the new year and that the Director of the Illawarra Disability Trust be invited to speak to Council to address concerns and objections made to Ms Pru Goward, MP, and Clr Arkwright by certain neighbours and also that a representative from the objectors also be invited to speak.

The Director Environment & Planning noted that he had discussions with the Director of the Illawarra Disability Trust and believes that the Trust has confirmed its willingness for a site visit by interested Councillors if that would be useful and advised that he will investigate the matter further.

5. LETTER RECEIVED FROM PEOPLE IN BERRIMA 600

Clr K Halstead referred to a five (5) page letter received from people at Berrima, and expressed concern about some of the issues in the letter and asked if this letter should be referred to Council’s Solicitors?

6. ANNUAL JUNIOR CRICKET TOUR 600

Clr K Halstead referred to a letter he had received from Jeff Mitchell, Chairman of Highland Cricket dated 10 December 2008, and noted that former councillor David Wood had organised an annual junior cricket tour and Council had previously supported the tour by donating small souvenir items for promoting the local area. Clr Halstead asked if Council could again give its support to this very worthwhile opportunity for young cricketers by the donation of souvenir items.

Clr T D Gair advised that Council had previously given its support and would recommend that Council does so again by donating appropriate souvenir items.

7. COUNCILLOR'S EXPENSES

101/4

Clr J R Clark referred to a memorandum in which Councillors were asked if they required Council to provide a computer for use on Council business and noted that Council's policy provides for installation and maintenance of a facsimile machine or desktop computer for use for Council duties only. Clr Clark asked if Councillors could be recompensed for internet and other use of their own computers for Council business and would it mean a change to Council's policy to cover this, noting that he does not want Council to provide him with a computer?

The General Manager advised that Councillors should decide if they require an allowance for this expenditure and an amendment to Councillors' allowances and expenses policy to reflect same, noting that Councillors can claim a percentage from the ATO for use of their computers for business purposes and depreciation but that if Councillors get an allowance they cannot make a claim to the ATO. The General Manager advised that, as Councillors are aware, the expenses and allowances policy was recently reviewed and is reviewed annually each November. The General Manager further advised that it could be appropriate to hold a short information session with some options for Councillors to consider.

8. MAUGERS AND FOUNTAINDALE ROADS, ROBERTSON

RD3612, RD3654

Clr J Mauger raised an issue of imminent danger at the present time in relation to Maugers and Fountaindale Roads, Robertson. He advised that Maugers Road is a single lane road and that traffic has increased with the erection of new homes in the area. There have been several recent issues as there is no layby and no gravel or very little gravel on the road and asked how much longer do we have to wait for something to be done?

The Director Technical Services tabled some photographs of Maugers Road to Councillors and the General Manager and advised that Maugers Road is a narrow country lane that serves three properties in the Robertson area. The photographs were taken on Friday in very wet conditions and as such the level of service that Council would provide in maintaining the road would be appropriate to the speed which drivers would drive on the road, the number of vehicles that use the road and the number of residences. Council does maintain Maugers Road but because it is a very low volume and low speed road, there are many other roads in the Shire which have a higher priority for maintenance.

Clr J Mauger noted he had previously requested that something be done about the road and asked if some gravel could be placed on the road.

The Director Technical Services will revisit the matter.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 17 December 2008

REPORT OF DIRECTOR CORPORATE SERVICES

CORPORATE SERVICES DIVISION

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

At this juncture, the time being 6.19 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.

No objections were received from the members of the public.

MN 471/08

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

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.

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.

c-GM1 **TENDER FOR THE SUPPLY AND DELIVERY OF A SELF PROPELLED SMOOTH DRUM VIBRATORY ROLLER**

Relevant Legal Provision

This matter is referred to closed committee under Clause 10A(2) (c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is (or proposes to conduct) business.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 17 December 2008

REPORT OF DIRECTOR CORPORATE SERVICES

Brief Description

Reporting on the matter of tenders for trade-in and purchase of a Vibratory Roller for use in the Roads and Traffic Branch.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information of a commercial nature.

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

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 17 December 2008

REPORT OF DIRECTOR CORPORATE SERVICES

REPORT OF CORPORATE SERVICES DIVISION

c-CS1	Update on Lehman Brothers Australia
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REF.	DCS
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107/9, 2104

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 and therefore the item was withdrawn.

REPORT OF GENERAL MANAGER

Lifestyle and Community

c-GM1	Tender for the Supply & Delivery of a Self Propelled Smooth Drum Vibratory Roller
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REF:	RTM
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6330/09.03

Relevant Legal Provision

This matter is referred to closed committee under Clause 10A(2) (c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is (or proposes to conduct) business.

Brief Description

Reporting on the matter of tenders for trade-in and purchase of a Vibratory Roller for use in the Roads and Traffic Branch.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information of a commercial nature.

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

THAT Council accepts the Tender of Conplant dated 22 October 2008 for the supply and delivery of an Ammann ASC110D vibratory roller in the amount of \$141,000.00 with the trade in of \$52,000.00.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 17 December 2008

OPEN COUNCIL

MN 472/08

107/10

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

THAT Council moves back into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

MN 473/08

107/9

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

THAT the recommendations of the Closed Council held on Wednesday, 2008 (Items c-CS1 and c-GM) be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

MN 474/08

107/10

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

THAT the recommendations of the Open Council held on Wednesday, 17 December 2008 being OC 299/08 to 318/08, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 17 December 2008

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.21 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 17 December 2008 numbered M/N 468/08 to M/N 474/08, were signed by me hereunder at the Council Meeting held on Wednesday, 28 January 2009.

CHAIRMAN

READ AND CONFIRMED THIS 28th DAY OF JANUARY 2009

CHAIRMAN

PUBLIC OFFICER