

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/06



held on Wednesday, 14 February 2007

The meeting commenced at 3.02pm.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 14 February 2007



CONTENTS

CONFIRMATION OF MINUTES	1
VISITOR ITEMS	5
ENVIRONMENT & PLANNING DIVISION	5
v-EP1 24 lot Rural Subdivision, Joadja Road, Joadja	5
COMMITTEE REPORTS ATTACHED	6
c-CR2 Works & Planning Committee	6
NOTICES OF MOTION	7
c-NRM3 01/2007 – Notice of Motion of Rescission - S96 Timing of Roadworks associated with Highlands Market Place (Big W)	7
c-NM4 02/2007 – Notice of Motion – S96 Timing of Roadworks associated with Highlands Market Place (Big W)	8
TECHNICAL SERVICES DIVISION	9
v-TS1 Traffic Management System – Cavendish Street to Bessemer Street Precinct – Post Opening of Mittagong Marketplace Development.....	9
v-TS1 Traffic Management System – Cavendish Street to Bessemer Street Precinct – Post Opening of Mittagong Marketplace Development.....	11
c-NM5 04/2007 – Notice of Motion - Lot 20 DP862590 in Oxley Drive Bowral	13
OPEN COUNCIL	14
ENVIRONMENT & PLANNING DIVISION	14
o-EP1 Development Consents Under Delegated Authority	14
o-EP2 List of Development Applications Received By Council	14
o-EP3 Land Use Applications Received	16
o-EP4 Developer Contribution Payment Policy for Non-profit organisations.....	16
CORPORATE SERVICES DIVISION	17
o-CS1 Exeter Park Management Committee – Proposed Changes to the Bond Charged for the Hire of Exeter Hall	17
o-CS2 Infrastructure Management and Council’s Rating Strategy	17
QUESTIONS FROM THE PUBLIC	18
o-CS3 Councillors’ Payment of Expenses and Provision of Facilities to the Mayor and Councillors.	20
o-CS4 Investments as at 31 December 2006	21
TECHNICAL SERVICES DIVISION	22
o-TS1 Status of ‘Seal of Approval’ & ‘Roads to Recovery’ Program	22
o-TS2 Water Restrictions	23
o-TS3 Proposed Stormwater Drainage Works Boolwey Street, Bowral	25
COUNCIL MATTERS	26
GENERAL MANAGER’S REPORTS	26
c-GM1 General Manager’s Quarterly Report.....	26
c-GM2 Weekly Circulars	26



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 14 February 2007

OTHER MATTERS	28
NOTICE OF MOTION	28
c-NRM1 21/2006 – Notice of Motion of Rescission – Voting by Wards	28
c-NM2 22/2006 – Notice of Motion – Voting by Wards.....	29
c-NRM3 01/2007 – Notice of Motion of Rescission - S96 Timing of Roadworks associated with Highlands Market Place (Big W)	30
c-NM4 02/2007 – Notice of Motion – S96 Timing of Roadworks associated with Highlands Market Place (Big W)	30
c-NM5 04/2007 – Notice of Motion - Lot 20 DP862590 in Oxley Drive Bowral	30
c-NM6 05/2007 – Notice of Motion - Exotic / Wild Circus Animals.....	31
c-NM7 06/2007 – Notice of Motion - Youth Development Office.....	32
COMMITTEE REPORTS TABLED	33
c-CR1 Management and Advisory Committee Reports	33
COMMITTEE REPORTS ATTACHED	34
c-CR2 Works & Planning Committee	34
c-CR3 Legal Committee	38
GENERAL BUSINESS	39
c-CR4 Moss Vale Master Plan Committee.....	40
CORPORATE SERVICES DIVISION	41
c-CS1 Closed Council	41
GENERAL MANAGERS REPORT	42
GM-1 Assessment of Tenders Received For Transport Services to the Resource Recovery Centre.....	42



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 14 February 2007



COMMENCING AT: 3.02pm

PRESENT: Councillor Gordon Lewis (Mayor) in the Chair
Clr NN Campbell-Jones, Clr J R Clark, Clr T D Gair,
Clr P A George, Clr M L King, Clr J E Mauger (3.07pm), Clr M J
Murray,
Clr S H Murray, Clr P B Tuddenham, Clr L A C Whipper and
Clr P Yeo

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

PRAYER

100/1

The meeting was opened in prayer led by Pastor Joshua Miller of Moss Vale Christian Church.

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 31
JANUARY 2007.

100/1

MN 32/07

MOTION moved by Clr P J Yeo and seconded by Clr T D Gair:

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 31 January 2007 MN 1/06 to MN 31/06 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

BUSINESS ARISING

1. TRAILER SIGNS IN YERRINBOOL 5700/33, 7301, 5504

Clr N N Campbell-Jones referred to Item 12 on page 38 of the minutes and advised that this was actually occurring all over the Shire and not just in Yerrinbool. He stated that no information had appeared in the Weekly Circular on this matter and believed that in DCP 31 it states quite clearly that any advertising on any trailer on Council land is prohibited.

The Director Environment & Planning responded that this matter had been referred to the Environment & Health Manager as the responsible officer and it was up to the rangers to police it. He stated that the DCP refers to advertising signage but it was not clear whether the trailers fell into this category and whether they needed development consent and how Council assesses this.

MN 33/07

MOTION moved by Clr S H Murray and seconded by Clr N N Campbell-Jones:

THAT a report be provided which sets out Council's options on removing this signage from the Shire.

PASSED

Clr J Mauger joined the meeting at 3.07pm.

DECLARATIONS OF INTEREST

101/3

1. Clr S H Murray stated that she was unsure whether she needed to declare an interest as she understood advice had been received from the Sydney Catchment Authority (SCA) regarding Joadja in terms of its concurrence. She stated that as a precaution she would declare a non-pecuniary interest as a member of the board of the SCA but would remain in the chamber, take part in the debate and vote thereon.
2. Clr M Murray declared a pecuniary interest in Item WP-EP6 on page 80 of the Works & Planning Committee (Proposed erection of an information kiosk in Corbett Plaza, Bowral) as the applicant is his former brother-in-law. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
3. Clr N N Campbell-Jones declared a pecuniary interest in Item 11: Nicholas – Truck Parking on page 92 of the Legal Committee minutes as he resides in the area. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
4. Clr P B Tuddenham declared a pecuniary interest in Item 11: Nicholas – Truck Parking on page 92 of the Legal Committee minutes due to a business relationship. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.

MAYOR'S "HELP A MATE" DROUGHT RELIEF APPEAL

5462

The Mayor advised that many letters had been received from people right across the Lachlan Shire thanking Wingecarribee Shire as the first Council in Australia to take part in such an initiative. The letters expressed their sincere and heartfelt appreciation to the Wingecarribee community and stressed how much it had meant to them to know that other Australians wanted to help and support them during the difficult times they are experiencing.

SUSPENSION OF STANDING ORDERS

Clr J Clark stated that there were a number of Bundanoon residents in the gallery and requested that Standing Orders be suspended to allow Item WP-EP10 - Proposed Water Extraction off Governors Road, Bundanoon (Norlex Hldgs) to be considered immediately following Item v-EP1 (24 Lot Rural Subdivision, Joadja Road, Joadja).

The Mayor agreed to this request.

Clr S Murray requested that Item c-NM5 04/2007 – Notice of Motion - Lot 20 DP862590 in Oxley Drive Bowral also be brought forward for consideration immediately following Item v-TS1 (Traffic Management System – Cavendish Street to Bessemer Street Precinct Post Opening of Mittagong Marketplace Development).

The Mayor agreed to this request.

OPEN COUNCIL

MN 34/07

107/10

MOTION moved by *Clr P George* and seconded by *Clr P B Tuddenham*:

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

PASSED

VISITOR ITEMS

ENVIRONMENT & PLANNING DIVISION

v-EP1 24 lot Rural Subdivision, Joadja Road, Joadja

REF: DEP

LUA06/0994

Reporting on a subdivision application for 24 rural lots. Application lodged pursuant to Clause 31B 'Conservation Incentives' *Wingecarribee Local Environmental Plan 1989* Lots 22/23 DP 1028493 Joadja Road, Joadja.

OC 10/07

The Committee on a MOTION moved by Cllr M Murray and seconded by Cllr P J Yeo
RECOMMENDED:

1. **THAT this matter be deferred until the Ordinary Meeting of Council on Wednesday, 28 February 2006 to allow the applicant and Council officers to discuss the matter with the Sydney Catchment Authority and the Department of Environment & Conservation.**
2. **THAT Council reiterates its in principle support for the project.**

PASSED

COMMITTEE REPORTS

COMMITTEE REPORTS ATTACHED

c-CR2	Works & Planning Committee
--------------	---------------------------------------

REF	DEP	107/23, LUA06/1081
-----	-----	--------------------

**WP-EP10 PROPOSED WATER EXTRACTION, OFF GOVERNORS ROAD,
BUNDANOON (NORLEX HLDGS)**

Reporting on the application for a Construction Certificate (CC) for works associated with a previously approved water extraction operation off Governors Road, Bundanoon.

OC 11/07

The Committee on a MOTION moved by Clr M Murray and seconded by Clr G Lewis
RECOMMENDED:

**THAT this matter be deferred for one month to allow input from the community AND
THAT it be considered at the Ordinary Meeting of Council to be held on Wednesday, 14
March 2007 including the distribution of the previous Development Applications and
any other information that would enable Councillors to be fully briefed on the issues.**

PASSED

SUSPENSION OF STANDING ORDERS

The Director Technical Services requested that the following matter be considered prior to Item v-TS1 Traffic Management System – Cavendish Street to Bessemer Street Precinct – Post Opening of Mittagong Marketplace Development.

The Mayor agreed to this request.

NOTICES OF MOTION

c-NRM3	01/2007 – Notice of Motion of Rescission - S96 Timing of Roadworks associated with Highlands Market Place (Big W)
---------------	--

REF:	MAS	100/5, LUA04/1134
------	-----	-------------------

Reference: – Ordinary meeting of Council Wednesday 13 December 2007 o-EP5 (OC 263/07)

Reference: - Ordinary meeting of Council Wednesday 31 January 2007 c-NRM1 (MN 19/07)

1. THAT the Notice of Motion of Rescission be deferred for consideration at the Ordinary Meeting of Council to be held on 14 February 2007 AND THAT the Traffic Engineer be invited to attend the meeting to provide clarification
2. THAT Item o-TS2 - Traffic Matters, Mittagong be considered immediately after the Notice of Rescission.

Council has received the following Notice of Motion of Rescission.

"We hereby give notice of our intention to move at the next meeting of the Council that the following motion passed at the Ordinary Meeting of Council held on 13 December, 2006 **be rescinded**:

1. THAT Council rejects the application to amend Condition 53 (b) (viii).
2. THAT prior to the opening of the Big W facility the right hand turn from the southern end of Old Bowral Road onto Bowral Road be prohibited.
3. THAT an urgent report be provided to Council on the safety issues regarding the usage of Old Bowral Road / Lyell Street as an alternative route to the Big W facility.

Dated 21 December 2007

Signed Clr T D Gair, Clr M Murray, Clr P B Tuddenham

OC 12/07

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

THAT the Notice of Motion of Rescission detailed above be adopted.

PASSED

c-NM4 02/2007 – Notice of Motion – S96 Timing of Roadworks associated with Highlands Market Place (Big W)

REF: MAS

100/4, LUA04/1134

Reference: - Ordinary meeting of Council 31 January 2007 (MN 20/07)

“THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 14 February 2007”.

Clrs T D Gair, M Murray, P B Tuddenham have given notice that should the above Notice of Motion of Rescission be passed it is their intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 14 February 2007.

1. *THAT Council defers its final consideration of the S96 application to amend Condition 53(b)(viii) of LUA04/1134.*
2. *THAT Council advises the applicant it wishes to see the work required by Condition 53(b)(viii) commence immediately a Construction Certificate has been issued.*
3. *THAT Council further advise the applicant that upon receipt of formal correspondence from the RTA agreeing to the amendment of Condition 53(b)(viii), Council would be willing to approve the S96 application to enable the Highlands Marketplace to commence trading prior to the completion of the works required by that condition.*
4. *THAT the Director Environment & Planning be delegated the authority to finalise this matter.”*

OC 13/07

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

1. ***THAT Council further advises the applicant that upon receipt of formal correspondence from the RTA agreeing to the amendment of Condition 53(b)(viii), it approves the S96 application to enable the Highlands Marketplace to commence trading prior to the completion of the works required by that condition.***
2. ***THAT the Director Environment & Planning be delegated the authority to finalise this matter.***

PASSED

Dissenting Vote: Clr J Mauger requested that his dissenting vote be recorded in respect of this motion.



TECHNICAL SERVICES DIVISION

v-TS1	Traffic Management System – Cavendish Street to Bessemer Street Precinct – Post Opening of Mittagong Marketplace Development
-------	---

REF:	DPM
------	-----

RD 3174, RD8260

Reporting on the Traffic Management System designed to address impacts of increased traffic and redistributed traffic flows post the opening of the Mittagong Marketplace Development expected in mid March 2007.

Council's Design Engineer, Frank Iacono, and Traffic Engineer, Frank Perger, addressed Council on this matter.

--

The Committee on a MOTION moved by Clr P J Yeo and seconded by Clr T D Gair
RECOMMENDED:

1. THAT a developer contribution plan be prepared to assist in funding the work outlined in the Traffic Management Plan for the Cavendish Street and Old Hume Highway precinct.
2. THAT a source of funding for the shortfall for Pioneer Street be identified in a report to Council AND THAT any further funding shortfalls be considered and sources of funding be identified.
3. THAT traffic conditions be monitored throughout this precinct before and following the opening of the Mittagong Marketplace AND THAT a report be presented to the Ordinary Meeting of Council to be held on Wednesday, 23 May 2007 along with the recommendations of the Mittagong Master Plan Committee.
4. THAT any modifications to the network (different to that in the proposed Traffic Management Plan) be considered in conjunction with overall affect on the local road network and submitted to the Traffic Committee for further consideration.
5. THAT the banning of the right turn out of Old Bowral Road at the junction of Bowral Road (MR260) be re-considered when traffic patterns have settled following the opening of the Mittagong Marketplace development.

.....Cont'd

Cont'd.....

The Committee on an AMENDMENT moved by Clr P George and seconded by Clr P B Tuddenham **RECOMMENDED**:

1. THAT a developer contribution plan be prepared to assist in funding the work outlined in the Traffic Management Plan for the Cavendish Street and Old Hume Highway precinct.
2. THAT a source of funding for the shortfall for Pioneer Street be identified in a report to Council AND THAT any further funding shortfalls be considered and sources of funding be identified.
3. THAT traffic conditions be monitored throughout this precinct before and following the opening of the Mittagong Marketplace AND THAT a report be presented to the Ordinary Meeting of Council on Wednesday, 23 May 2007 along with the recommendations of the Mittagong Master Plan Committee.
4. THAT any modifications to the network (different to that in the proposed Traffic Management Plan) be considered in conjunction with overall affect on the local road network and submitted to the Traffic Committee for further consideration.
5. THAT Council implement a ban on the right hand turn out of Old Bowral Road at the junction of Bowral Road (MR260).

On being put to the meeting voting was tied at six (6) all on the motion and the matter was therefore deferred for determination until the Mayor resumed the chair (refer to page 9).

VOTING ON THE MOTION:

Voting for the Motion: Clrs Yeo, Gair, S Murray, Whipper, Mauger and Clark

Voting against the Motion: Clrs Lewis, George, King, M Murray, Campbell-Jones and Tuddenham

CHAIRPERSON

At 5.50pm being the conclusion of Open Council, the Mayor, Clr G Lewis, resumed the chair to conduct the remainder of Council business.

**v-TS1 Traffic Management System – Cavendish Street to Bessemer Street Precinct –
Post Opening of Mittagong Marketplace Development**

REF: DPM

LUA04/1134, RD3127, RD1427

Reporting on the Traffic Management System designed to address impacts of increased traffic and redistributed traffic flows post the opening of the Mittagong Marketplace Development expected in mid March 2007.

This matter was resubmitted to Council as it was tied at six (6) all in Open Committee.

--

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

1. THAT a developer contribution plan be prepared to assist in funding the work outlined in the Traffic Management Plan for the Cavendish Street and Old Hume Highway precinct.
2. THAT a source of funding for the shortfall for Pioneer Street be identified in a report to Council AND THAT any further funding shortfalls be considered and sources of funding be identified.
3. THAT traffic conditions be monitored throughout this precinct before and following the opening of the Mittagong Marketplace AND THAT a report be presented to the Ordinary Meeting of Council to be held on Wednesday, 23 May 2007 along with the recommendations of the Mittagong Master Plan Committee.
4. THAT any modifications to the network (different to that in the proposed Traffic Management Plan) be considered in conjunction with overall affect on the local road network and submitted to the Traffic Committee for further consideration.
5. THAT the banning of the right turn out of Old Bowral Road at the junction of Bowral Road (MR260) be re-considered when traffic patterns have settled following the opening of the Mittagong Marketplace development.

.....Cont'd

Cont'd.....

MN 35/07

AMENDMENT moved by Clr P George and seconded by Clr P B Tuddenham:

1. **THAT** a developer contribution plan be prepared to assist in funding the work outlined in the Traffic Management Plan for the Cavendish Street and Old Hume Highway precinct.
2. **THAT** a source of funding for the shortfall for Pioneer Street be immediately identified in a report to Council **AND THAT** any further funding shortfalls be considered and sources of funding be identified.
3. **THAT** traffic conditions be monitored throughout this precinct before and following the opening of the Mittagong Marketplace **AND THAT** a report be presented to the Ordinary Meeting of Council on Wednesday, 23 May 2007 along with the recommendations of the Mittagong Master Plan Committee.
4. **THAT** any modifications to the network (different to that in the proposed Traffic Management Plan) be considered in conjunction with overall affect on the local road network and submitted to the Traffic Committee for further consideration.
6. **THAT** Council implement a ban on the right hand turn out of Old Bowral Road at the junction of Bowral Road (MR260).

On being put to the meeting voting was tied at six (6) all whereupon the Mayor exercised his casting vote in favour of the Amendment.

VOTING ON THE AMENDMENT:

Voting for the Amendment: Clrs Lewis, George, King, M Murray, Tuddenham and Campbell-Jones

Voting against the Amendment: Clrs S Murray, Yeo, Whipper, Mauger, Gair and Clark

AMENDMENT BECAME THE MOTION

On being put to the meeting voting was tied at six (6) all whereupon the Mayor exercised his casting vote in favour of the Motion.

MOTION PASSED

VOTING ON THE MOTION:

Voting for the Motion: Clrs Lewis, George, King, M Murray, Tuddenham and Campbell-Jones

Voting against the Motion: Clrs S Murray, Yeo, Whipper, Mauger, Gair and Clark



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday 14 February 2007



NOTICE OF MOTION

c-NM5	04/2007 – Notice of Motion - Lot 20 DP862590 in Oxley Drive Bowral
--------------	---

REF:	MAS
------	-----

100/4, PN1111001

Clr N N Campbell-Jones has given notice of his intention to move the following Notice of Motion of the Ordinary Meeting at Council on Wednesday 14 February 2007.

“THAT Council add to the list of possible land sales Lot 20 DP862590 in Oxley Drive Bowral”.

MN 36/07

MOTION moved by Clr N N Campbell-Jones and seconded by Clr J Mauger:

THAT Council adds to the list of possible land sales Lot 20 DP862590 in Oxley Drive Bowral.

PASSED

Dissenting Votes: Clrs J Clark, S Murray, L A C Whipper and P J Yeo requested that their dissenting votes be recorded in respect of this motion.



OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

o-EP1 Development Consents Under Delegated Authority

REF: DCM 5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 23/1/06 and 7/2/07.

MN 37/07

MOTION moved by Clr P George and seconded by Clr M Murray:

THAT the information relating to Development Consent Nos 1-6 under Delegated Authority be received and noted.

PASSED

o-EP2 List of Development Applications Received By Council

REF: DCM 5302

Submitting list of development applications which have been received between 23/1/07 and 2/2/07, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

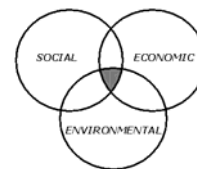
MN 38/07

MOTION moved by Clr T D Gair and seconded by Clr P George:

THAT the information regarding the List of Land Use Applications Nos 1-19 received by Council be received and noted.

PASSED

.....Cont'd



Cont'd.....

Matters Arising from Development Applications Received by Council

1. HERITAGE PARK – SECTION 68 FOR TOURIST ACCOMMODATION UNITS LUA07/0089

Clr P Yeo referred to Item 7 and stated that he understood there were no tourist accommodation units in the original proposal. He asked if this would constitute a new Development Application and if so, it should be referred to the Works & Planning Committee.

The Director Environment & Planning advised that he would provide more details in the Weekly Circular but he believed that it related to changes to one of the buildings on the site (a serviced apartment).

2. SECTION 96 MODIFICATION – 2-6 PENROSE RD, BUNDANOON LUA07/0088

Clr J Clark referred to Item 6 and requested more details on this application.

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

3. POPE (CIRCUS) – MOSS VALE SHOWGROUND LUA07/0107

Clr J Clark referred to Item 19 and asked if this referred to the circus that is currently holding performances at Moss Vale Showground.

The Director Environment & Planning confirmed that it did and that this application had been dealt with.

4. ENTRANCE GATES & FRONT FENCE, WALLABY HILL ROAD, ROBERTSON LUA07/0071

Clr J Mauger referred to Item 1 and asked for some indication of the extent of the work.

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

o-EP3 Land Use Applications Received

REF: DCM

5302

Submitting list of Land Use applications received under delegated authority of the Director of Environment & Planning for the month of January 2007.

MN 39/07

MOTION moved by Clr P J Yeo and seconded by Clr N N Campbell-Jones:

THAT the information regarding the List of Land Use Applications received by Council for the month of January 2007, be received and noted.

PASSED

o-EP4 Developer Contribution Payment Policy for Non-profit organisations

REF: DEP (SPM), RMC

5701

This report considers a new policy in relation to the deferment of payment of Developer Contributions for non profit organisations.

MN 40/07

MOTION moved by Clr T D Gair and seconded by Clr P George:

THAT Council adopts the policy for Developer Contribution Payments for non-profit organisations as detailed in Attachment 1 of the report.

PASSED

CORPORATE SERVICES DIVISION

o-CS1 Exeter Park Management Committee – Proposed Changes to the Bond Charged for the Hire of Exeter Hall

REF: AOL 6536/1.1

Reporting on the proposed changes to the bonds charged for the hire of Exeter Hall.

Clr M Murray advised that the bond for hall, supper room and kitchen before 5.00pm be altered from \$250.00 to \$200.00.

MN 41/07

MOTION moved by Clr M Murray and seconded by Clr P George:

1. THAT Council adopts the following Bonds fees for the hire of Exeter Hall:

<i>Hall, Supper Room and Kitchen before 5.00pm</i>	\$200.00
<i>Hall, Supper Room and Kitchen after 5.00pm</i>	\$300.00

2. THAT the committee be notified of Council's determination.

PASSED

o-CS2 Infrastructure Management and Council's Rating Strategy

REF. DCS 2210/9.2

Reporting on proposal to seek Special Rate Variation for the next 5 years.

MN 42/07

MOTION moved by Clr M Murray and seconded by Clr P J Yeo:

1. THAT Council confirms its position in regard to the proposal to seek a special rate variation of 9.5% for the next five (5) years.

2. THAT subject to the above, the Department of Local Government be formally advised by lodging an "Intention to Apply" form.

PASSED

Dissenting Vote: Clr J Mauger requested that his dissenting vote be recorded in respect of this motion.

QUESTIONS FROM THE PUBLIC

QUESTIONS FROM THE PUBLIC

1. CYPRESS LEYLANDII 107/18, 107/25

Mrs Pam Cooper asked the following question on behalf of Mrs Jan Hainke of HedgeWise:

“State labelling laws do not always give the buyer adequate information on Cypress Leylandii and HedgeWise is currently looking into this labelling discrepancy. HedgeWise believes that the public has a right to be better informed and is concerned that Wingecarribee Shire Council will not name this tree which is the major cause of escalating hedge misery. (The latest edition of “*Wingecarribee Today*” is an example of this reluctance).

Will Council please change its approach and specify this tree where and when appropriate?”

The Director Environment & Planning stated that he would investigate this matter.

2. DRAFT DCP 51 – WIND ENERGY 5700/51

Mrs Pam Cooper referred to the proposal to adopt Draft DCP 51 for wind energy that Council had drawn up on 26 January 2002. She stated that on Monday, 12 February 2007 the Land & Environment Court gave the go-ahead for 69 wind turbines to be installed in Taralga. With this in mind she asked if Council had any enquiries or similar proposals to have wind farms installed in the Wingecarribee Shire.

The General Manager responded that no enquiries had been received regarding wind farms in this area.

3. MITTAGONG CREEK LEVELS 8100/4, 5457/7

Mr Terry Oakes-Ash asked when the latest report on the Mittagong Creek levels would be released to the public and stated that this was the second time he had made this request.

The Director Technical Services stated that he would investigate this matter.

5. TRAFFIC MANAGEMENT SYSTEM – CAVENDISH TO BESSEMER STREET
PRECINCT, MITTAGONG – POST OPENING OF MITTAGONG
MARKETPLACE RD3127, RD1427

Mr Charlie Johns asked what Council was going to do to secure the safety of school children and residents with the extreme increase in traffic at the Pioneer Street intersection.

He also asked what Council was going to do to implement safe entry of traffic into the Old Hume Highway at the Bessemer Street intersection as this will all begin on 8 March.

The Director Technical Services stated that he would investigate this matter.

6. 24 LOT RURAL SUBDIVISION, JOADJA ROAD, JOADJA

LUA06/0994

Ms Linda Vaughan referred to item v-EP1 and asked the following questions:

- 1) What assurances does Council propose to put in place to protect existing residents along the private road that this road will be maintained on a regular basis (given the previous lack of maintenance by the new owner even though he was given permission to operate under the same Development Application).
- 2) Where is the water to come from to supply these 24 lots and resort hotel? Is it going to come from the same source as that from the original development? If so, how can this be ecologically sustainable given global warming?

The Director Environment & Planning stated that he would investigate these matters.

o-CS3	Councillors' Payment of Expenses and Provision of Facilities to the Mayor and Councillors.
--------------	---

REF.	MAS	101/5
------	-----	-------

Reporting on further consideration of Councillors Payment of Expenses and Provision of Facilities to the Mayor and Councillors following public exhibition.

MN 43/07

MOTION moved by Cllr M Murray and seconded by Cllr P J Yeo:

- THAT Council reviews the draft policy for "The Payment of Expenses and Provision of Facilities to the Mayor and Councillors" and confirms the policy reinstating the words in Item 2.2.2 (c) "with a monthly call limit not exceeding \$200 for the Mayor and \$100 for other Councillors made in the conduct of their civic duties. All costs incurred in excess of these limits will be met by the affected Councillor" and reinstating the words in item 2.2.4(c) "Monthly call costs will be limited to \$50.00 per Councillor and all costs in excess of these limits will be met by the affected Councillor. The costs of such private use shall be reimbursed to the Council".**
- THAT Item 2.2.9 "Reimbursement of Expenses on Private Phones" be added to the Policy which states "Alternatively, should a Councillor not utilise a Council provided mobile telephone and obtain a cap agreement on their private mobile telephones then they can claim up to the amount of \$80 per month towards the capping expense and be reimbursed that amount. In the event that Councillors do not obtain a capping agreement they will be reimbursed up to \$80 per month for telephone calls made on their private mobile phone (documentary evidence to be provided)".**
- THAT in accordance with the Local Government Act 1993 and the Department of Local Government Guidelines issued by the Department of Local Government dated September 2006, that a copy of the adopted Policy be forwarded to the Department of Local Government prior to Wednesday 28 February 2006.**

PASSED

o-CS4 Investments as at 31 December 2006

REF	FSM	2104
-----	-----	------

Submitting details of Council's Investments as at 31 December 2006.

MN 44/07

MOTION moved by Cllr T D Gair and seconded by Cllr M Murray:

THAT the information on Council's Investments as at 31 December 2006 be received and noted.

PASSED

TECHNICAL SERVICES DIVISION

o-TS1 Status of 'Seal of Approval' & 'Roads to Recovery' Program

REF: DTS 101, 7810/6.1, 7801/2005

Request from Clr M Murray for a report on the status of the Seal of Approval and Roads to Recovery Program.

MN 45/07

MOTION moved by Clr M Murray and seconded by Clr P B Tuddenham:

1. **THAT Ellsmore Road, Exeter be substituted for Ellsmore Road, Bundanoon in the "Roads to Recovery" program and Ellsmore Road, Bundanoon be scheduled to take place immediately after the work on Oxley Drive, Mittagong as follows:**

WORK PROGRAM FOR YEARS 3 AND 4 OF AUSLINK ROADS TO RECOVERY PROGRAM

Year	Road	Description	Length	Estimate
2007	Banyette Street, Bowral	Rehabilitate pavement from Woolworths to Bendooley Street	160m	\$150,000
2007	Tugalong Road, Canyonleigh	Construct pavement and seal from end of bitumen for 1km	1000m	\$250,000
2007	Nowra Road, Moss Vale	Rehabilitate from Illawarra Highway to Yarrawa Road	900m	\$250,000
2008	Carrington Falls Road, Robertson	Construct pavement and seal from Jamberoo Road to Shire Boundary	1530m	\$350,000
2008	Ellsmore Road, Exeter	Construct pavement and seal from Middle Road north for 1km	1000m	\$250,000
Provisional pending availability of funds				
2009	Oxley Drive, Mittagong	Rehabilitate pavement between Bracken Street and Murchison Street	760m	\$200,000
2009	Ellsmore Road, Bundanoon	Construct pavement and seal from end of bitumen for 1 km	1000m	\$250,000

WORK PROGRAM FOR THE AUSLINK ROADS TO RECOVERY PROGRAM SUPPLEMENTAL FUNDING

Year	Road	Description	Length	Estimate
2007	Colo Street, Mittagong	Rehabilitate pavement from Range Road to Southey Street	720m	\$350,000
2008	Old South Road, Bowral	Rehabilitate between Ascot Road and Emily Circuit	460m	\$150,000
Provisional pending availability of funds				
2009	Tugalong Road, Canyonleigh	Construct pavement and seal from end of bitumen for 1km	1000m	\$250,000

2. **THAT a report be provided to Council on the feasibility and implications of undertaking the sealing work on the worst parts of Tugalong Road.**

PASSED



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 February 2007

REPORT OF DIRECTOR TECHNICAL SERVICES

o-TS2 Water Restrictions

REF: WSM

7790/8

Review of water restrictions for domestic and commercial consumers.

MN 46/07

MOTION moved by Clr LAC Whipper and seconded by Clr J Clark:

1. **THAT** the recommendations of the Works and Planning Committee held on 7 February 2007 be amended to reflect the revised “triggers” referred to in the report.
2. **THAT** subject to the adoption by Council of the Works and Planning Committee minutes, as amended, that Level 2 water restrictions be introduced from Monday 26 February 2007.
3. **THAT** the Manager Water and Sewerage be authorised to approve minor exemptions / variations following written request from a customer.

AMENDMENT moved by Clr N N Campbell-Jones and seconded by Clr J Mauger:

THAT the Level 1 restrictions apply as listed in Attachment 1 with amendment to “Water Restrictions – Domestic Consumers – Level 1 Mandatory Restrictions – Wingecarribee Shire Council Existing Restrictions” in that watering systems and sprinklers be allowed between 6pm to 9pm and 7am to 10am for the period 1 November to 31 March.

On being put to the meeting voting was tied at six (6) all on the motion and the Mayor used his casting vote in favour of the amendment.

VOTING ON THE AMENDMENT:

Voting for the Amendment: Clrs Lewis, Campbell-Jones, Tuddenham, Mauger, King and M Murray

Voting against the Amendment: Clrs Whipper, Yeo, Clark, S Murray, George and Gair

AMENDMENT BECAME THE MOTION

MOTION PASSED

.....Cont'd



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 February 2007

REPORT OF DIRECTOR TECHNICAL SERVICES

Cont'd.....

VOTING ON THE MOTION:

Voting for the Motion:

Clrs Lewis, Campbell-Jones, Tuddenham, Mauger, King
and M Murray

Voting against the Motion:

Clrs Whipper, Yeo, Clark, S Murray, George and Gair

Dissenting Votes : Clrs L A C Whipper, J Clark and P George requested that their dissenting votes be recorded in respect of this motion.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 February 2007

REPORT OF DIRECTOR TECHNICAL SERVICES

o-TS3	Proposed Stormwater Drainage Works Boolwey Street, Bowral
--------------	--

REF: DPM	RD 1517, 8117
----------	---------------

Reporting on proposed storm water drainage works along Boolwey Street, Bowral from Bendooley Street to St.Jude Street.

MN 47/07

MOTION moved by Cllr N N Campbell-Jones and seconded by Cllr P J Yeo:

1. **THAT** Council approves the removal of ten (10) prunus trees on the southern side and the four (4) trees on the Northern side of Boolwey Street **AND THAT** drainage improvements be undertaken at the intersection of Edward Street and Boolwey Street to prevent the water rushing across the road.
2. **THAT** the success of these measures be assessed prior to committing to the construction of a drainage swale referred to in Option 2;
3. **THAT** Boolwey Street residents between Bendooley Street and St.Jude Street be informed of Council's decision.

PASSED

Dissenting Vote – Cllr M King requested that her dissenting vote be recorded in respect of this motion.

COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 General Manager's Quarterly Report

REF.	GM	506/1
------	----	-------

Submitting the General Manager's Quarterly Report to 31 December 2006.

MN 48/07

MOTION moved by Cllr N N Campbell-Jones and seconded by Cllr P George:

THAT this matter be deferred until the next Ordinary Meeting of Council to be held on Wednesday, 28 February 2007.

PASSED

c-GM2 Weekly Circulars

REF.	GM	100/8, 203/2007
------	----	-----------------

Confirming receipt of weekly circulars from the Local Government Association and Council weekly circulars.

MN 49/07

MOTION moved by Cllr M Murray and seconded by Cllr P George:

THAT the information relating to Local Government Weekly Circulars Nos 04/07 and 05/07 and Council Weekly Circulars Nos 04/07 and 05/07 be noted.

PASSED

.....Cont'd

Cont'd.....

Matters Arising from Weekly Circulars

1. MITTAGONG SWIMMING POOL ENTRY 6703

Clr N N Campbell-Jones referred to Item 6 on page 23 of Council Weekly Circular No. 6/07 where it states that Council had received no proposals regarding the rebuilding of the pool entry. He stated that plans had been received from Leah Day and Tim McCartney to use the stone from the old entry and include a commemorative plaque saying what had been there. He believed that Council should go ahead with this plan.

MN 50/07

MOTION moved by Clr N N Campbell-Jones and seconded by Clr P B Tuddenham:

THAT the relevant department presents a plan of a memorial plaque and wall to be situated at the front of Mittagong Pool where the old "MSC 1932" sign is located on the ground and that it be secured.

PASSED

NOTICES OF MOTION

OTHER MATTERS

NOTICE OF MOTION

c-NRM1 21/2006 – Notice of Motion of Rescission – Voting by Wards

REF: MAS, DCS Sec

100/4, 106

Reference: – Ordinary meeting of Council Wednesday 8 November 2007 c-NM3 MN 390/07

Reference: - Ordinary meeting of Council Wednesday 22 November 2007 c- NRM2 – MN 418/07

Council at its meeting held on Wednesday 22 November 2006 resolved:

****THAT** this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday 31 January 2007*.*

The matter was not listed for the meeting of 31 January 2007 and is now listed for Council's consideration.

"We hereby give notice of our intention to move at the next meeting of the Council that the following motion passed at the Ordinary Meeting of Council held on 8 November, 2006 **be rescinded**:

1. **THAT** at the next election an appropriately drafted referendum be held to determine whether voting by Wards should be introduced into Wingecarribee Shire Council.
2. **THAT** six (6) months prior to the referendum two (2) public meetings be held to consider the arguments for and against wards **AND THAT** the potential ward areas be identified prior to any public meeting.

Dated 15 November 2007

Signed Clr T D Gair
Clr P Yeo
Clr J Clark"

MN 51/07

MOTION moved by Clr T D Gair and seconded by Clr P J Yeo:

THAT this matter be deferred for consideration to the next Ordinary Meeting of Council to be held on Wednesday, 28 February 2007.

PASSED

c-NM2 22/2006 – Notice of Motion – Voting by Wards

REF: MAS, DCS Sec

100/4,

Reference: – Ordinary meeting of Council Wednesday 8 November 2007 c-NM3 MN 390/07

Reference: - Ordinary meeting of Council Wednesday 22 November 2007 c- NRM2 – MN 419/07

“THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday 31 January 2007”.

Clr T D Gair has given notice that should the Notice of Motion of Rescission be passed it is his intention to move the following Notice of Motion.

“THAT suggested Ward maps and boundaries based on current pollution and projected population base of 2012 be presented to Council for appraisal prior to a determination on holding a referendum.”

MN 52/07

MOTION moved by Clr T D Gair and seconded by Clr P J Yeo:

THAT this matter be deferred for consideration to the next Ordinary Meeting of Council to be held on Wednesday, 28 February 2007.

PASSED

NOTICES OF MOTION

c-NRM3 01/2007 – Notice of Motion of Rescission - S96 Timing of Roadworks associated with Highlands Market Place (Big W)

REF: MAS 100/5, LUA04/1134

This matter was considered earlier in the meeting (refer OC 12/07).

c-NM4 02/2007 – Notice of Motion – S96 Timing of Roadworks associated with Highlands Market Place (Big W)

REF: MAS 100/4, LUA04/1134

This matter was considered earlier in the meeting (refer OC 13/07).

c-NM5 04/2007 – Notice of Motion - Lot 20 DP862590 in Oxley Drive Bowral

REF: MAS 100/4, PN1111001

This matter was considered earlier in the meeting (refer MN 36/06).

NOTICES OF MOTION

c-NM6 05/2007 – Notice of Motion - Exotic / Wild Circus Animals

REF: DEP

100/4, 5300/13

Clr N N Campbell-Jones has given notice of his intention to move the following Notice of Motion of the Ordinary Meeting at Council on Wednesday 14 February 2007.

1. *THAT DA Approval be required from the Moss Vale Show Society to hold a circus on the Moss Vale Show Ground.*
2. *THAT circuses that use exotic / wild animals in their show be denied DA Approval in Wingecarribee Shire.*

MN 53/07

MOTION moved by Clr N N Campbell-Jones and seconded by Clr P George:

1. ***THAT Development Application Approval be required from the Moss Vale Show Society to hold a circus on the Moss Vale Show Ground.***
2. ***THAT circuses which use exotic / wild animals in their show be denied Development Application Approval in Wingecarribee Shire.***

AMENDMENT moved by Clr T D Gair and seconded by Clr M Murray:

THAT interested Councillors meet with the representatives of Stardust Circus regarding the keeping of wild and exotic animals.

LOST

MOTION PASSED

VOTING ON THE MOTION:

Voting for the Motion: Clrs Campbell-Jones, George, S Murray, Mauger, Yeo, Clark, Tuddenham, M Murray, King and Whipper

Voting against the Motion: Clrs Gair and Lewis

NOTICES OF MOTION

c-NM7 06/2007 – Notice of Motion - Youth Development Office

REF: SPM

100/4, 1830

Clr P George has given notice of her intention to move the following Notice of Motion of the Ordinary Meeting at Council on Wednesday 14 February 2007.

“THAT Council employ a full time Youth Development Officer immediately with additional funding for the position for the balance of this financial year being funded from the Capital Projects Reserve AND THAT Councillors confirm their support for the Youth Development Officer position to full time in the 07/08 budget”.

MN 54/07

MOTION moved by Clr N N Campbell-Jones and seconded by Clr P George:

THAT Council employs a full time Youth Development Officer immediately with additional funding for the position for the balance of this financial year being funded from the Capital Projects Reserve AND THAT Councillors confirm their support for the Youth Development Officer position to full time in the 07/08 budget.

PASSED

COMMITTEE REPORTS

COMMITTEE REPORTS TABLED

c-CR1	Management and Advisory Committee Reports
--------------	--

REF.	AOL	107/1
------	-----	-------

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

MN 55/07

MOTION moved by Clr M Murray and seconded by Clr P George:

THAT the information contained in the two (2) Committee Reports be noted.

PASSED

COMMITTEE REPORTS

COMMITTEE REPORTS ATTACHED

c-CR2 Works & Planning Committee

REF	DEP	
		107/23

The Director Environment & Planning advised that late correspondence had been received from the applicant withdrawing the application for Item WP-EP9 Proposed Multiple Occupancy comprising 23 Living Entitlements, Community Title Subdivision supported by a SEPP1 objection, Canyonleigh Road, Sutton Forest (Jamasa Park)

MN 56/07

MOTION moved by *Clr P George* and seconded by *Clr T D Gair*:

THAT the recommendations as detailed in the minutes of the Works and Planning Committee Meeting held on Wednesday, 7 February 2007 be adopted with the exception of Items WP-EP4 Proposed 34 Lot Subdivision of "Bangandilly Station", various lots, Bangandilly Road, Canyonleigh, WP-EP6 Proposed erection of an information kiosk in Corbett Plaza, Bowral, WP-EP9 Proposed Multiple Occupancy comprising 23 living entitlements, community title subdivision supported by a SEPP1 objection, Canyonleigh Road, Sutton Forest (Jamasa Park), WP-EP10 Proposed Water Extraction off Governors Road, Bundanoon (Norlex Holdings), WP-EP11 S96 Amendment to 22 Lot Subdivision, Church Road, Burrawang and WP-CS1 Proposed Creation of Easement to Drain Water over Part Lot 7 Sec C DP 2810 Beaconsfield Road, Moss Vale.

PASSED

1. WP-EP4 – BANGANDILLY STATION, CANYONLEIGH LUA06/0165

Clr L A C Whipper sought support from Councillors on whether any information has been received from the Federal Government regarding the Environment Protection & Biodiversity Conservation Act. He stated that spotted quoll had been found in close proximity to this development.

The Director Environment & Planning advised that flora and fauna reports had been provided to the Department of Environment & Conservation who had advised Council to move forward on this development but there was no trigger for referral to the Federal Government.

.....Cont'd

COMMITTEE REPORTS

Cont'd.....

MN 57/07

MOTION moved by Clr LAC Whipper and seconded by Clr P J Yeo:

THAT this matter be deferred pending further advice from the Department of Environment & Conservation and independent advice from an environmental consultant.

LOST

Dissenting Vote: Clrs S Murray, Whipper, Clark and Yeo requested that their dissenting votes be recorded in respect of this motion.

MN 58/07

MOTION moved by Clr N N Campbell-Jones and seconded by Clr M Murray:

1. **THAT** Council approves the application for subdivision by way of a “Deferred Commencement Consent” pursuant to the Draft Conditions of Consent attached to the report, subject to the following amendments to the Draft Conditions of Consent:
 - (a) Condition 33(a)(ii) be amended to the effect that alternative access be agreed by all affected land owners;
 - (b) The fencing conditions reflect the intent that no fences be built rather than “no clearing for fencing” and that Council be the authority to vary or modify under the Section 88B instrument;
 - (c) That the remnant fence referred to in Condition 12 be listed as an item of environmental heritage and be further protected in an appropriately worded condition in the Section 88B instrument;
and subject to Department of Lands approval.
2. **THAT** a Remedial Action Plan to address land contamination be submitted by the applicant prior to the issuing of any consent.
3. **THAT** Council delegates authority to the Director of Environment and Planning to issue an approval subject to the submission of amended plans which address minor changes to lot boundaries so as to negate the need for tree removal in accordance with the requirements of the Hawkesbury Nepean Catchment Management Authority.
4. **THAT** no removal of any native vegetation occur without the approval of Council and the Hawkesbury Nepean Catchment Authority.
5. **THAT** prior to the next Ordinary Meeting of Council to be held on Wednesday, 14 February 2007 information be obtained regarding the applicability of the Environment Protection & Biodiversity Conservation Act to this development.

PASSED

COMMITTEE REPORTS

EXTENSION OF TIME

Clr Gordon Lewis requested an extension of time to 8.00pm in accordance with Council's Code of Meeting Practice.

2 WP-EP6 INFORMATION KIOSK IN CORBETT PLAZA, BOWRAL LUA06/1268

Interest: Clr M Murray declared a pecuniary interest in Item WP-EP6 (Proposed erection of an information kiosk in Corbett Plaza, Bowral) as the applicant is his former brother-in-law. He left the chamber, took no part in the debate and refrained from voting thereon.

MN 59/07

MOTION moved by Clr P J Yeo and seconded by Clr J Clark:

THAT subject to the receipt of amended plans relocating the Information Kiosk to a more central position, to the satisfaction of the Director Environment and Planning, the application be approved under delegated authority.

PASSED

3. WP-EP9 PROPOSED MULTIPLE OCCUPANCY COMPRISING 23 LIVING ENTITLEMENTS, COMMUNITY TITLE SUBDIVISION SUPPORTED BY A SEPP 1 OBJECTION, CANYONLEIGH ROAD, SUTTON FOREST (JAMASA PARK)

The Director Environment & Planning advised that the applicant requested withdrawal of this item to further amend the development.

MN 60/07

MOTION moved by Clr N N Campbell-Jones and seconded by Clr M Murray:

THAT WP 9/07 (Item WP-EP9) be withdrawn.

PASSED

COMMITTEE REPORTS

4. WP-EP11 S96 AMENDMENT TO 22 LOT SUBDIVISION, CHURCH ROAD, BURRAWANG

MN 61/07

MOTION moved by Clr N N Campbell-Jones and seconded by Clr M Murray:

THAT the S96 application be approved for two storey development on this subdivision AND THAT it be no greater than 8 metres from ground level to the underside of the eaves.

PASSED

5. WP-EP10 PROPOSED WATER EXTRACTION OFF GOVERNORS ROAD, BUNDANOON (NORLEX HOLDINGS) LUA06/1081

This matter was considered earlier in the meeting (refer OC 11/07 on page 6).

6. WP-CS1 PROPOSED CREATION OF EASEMENT - BEACONSFIELD ROAD, MOSS VALE PN1730800, RD3313

Clr N N Campbell-Jones referred to his request for the construction costs relating to this matter.

The Manager Administration Services responded that the project was funded by Section 94 Development Contribution Funds. The budget was \$241,360 and the expenditure \$176,596.

Clr Campbell-Jones requested further information in the Weekly Circular.

MN 62/07

MOTION moved by Clr N N Campbell-Jones and seconded by Clr M Murray

1. **THAT Council consents to the terms of the agreement with Ms N M Le Guier for the grant of an easement to drain water over her property Lot 7 Sec C DP 2810, Beaconsfield Road, Moss Vale.**
2. **THAT all costs in this matter be paid by Council.**
3. **THAT a transfer Granting Easement form and Deed of Release be executed under the Common Seal of Council**

PASSED

COMMITTEE REPORTS

c-CR3 Legal Committee

REF DEP 107/22

Submitting minutes of the Legal Committee Meeting held on Wednesday, 31 January 2007.

MN 63/07

MOTION moved by Clr M Murray and seconded by Clr P George:

THAT the recommendations as detailed in the minutes of the Legal Committee Meeting held on Wednesday, 31 January 2007 be adopted with the exception of Item 11: Nicholas – Truck Parking..

PASSED

1. NICHOLAS – TRUCK PARKING PN682100, LUA06/0180

Interest: Clr N N Campbell-Jones declared a pecuniary interest in this matter as he resides in the area. He left the chamber, took no part in the debate and refrained from voting thereon.

Interest: Clr P B Tuddenham declared a pecuniary interest in this matter due to a business relationship. He left the chamber, took no part in the debate and refrained from voting thereon.

MN 64/07

MOTION moved by Clr M Murray and seconded by Clr P George:

THAT the information in relation to the matter “Nicholas – Truck Parking” be received and noted.

PASSED

Clr P George left the meeting at 7.55pm.

GENERAL BUSINESS

MN 65/07

MOTION moved by Clr M Murray and seconded by Clr P J Yeo:

THAT General Business be dispensed with AND THAT Councillors questions which are reproduced below be passed to the appropriate Council officer.

PASSED

1. SES SANDBAGGING (AS REPORTED ON ABC RADIO) 6310

Clr J Mauger referred to SES sandbagging of cottages in Robertson village on or about 11 February 2007 and asked:

- a. Is the General Manager aware of just how many homes were involved?
 - b. What was the status of the rainfall event which caused the problem – eg 1 in 5, 1 in 10 years?
 - c. In how many cases were inadequate floor levels the cause of the problem?
-

2. BONG BONG COMMON PLAN OF MANAGEMENT 6530/1

Clr N N Campbell-Jones asked for a status report on the Plan of Management for Bong Bong Common and the Heritage Report.

3. PUBLIC / PRIVATE PLAN FOR PARKING IN BOWRAL 7460/8

Clr N N Campbell-Jones asked for a status report on the public/private plan for parking in Bowral.

4. DEVELOPMENT APPLICATION – NANDI ROAD, CANYONLEIGH LUA07/0027,
LUA07/0146

Clr L A C Whipper stated that he had received reports that Council could not give out copies of this development application due to copyright. He asked if this was true and if so, why is the community being denied full access to information that could help in preparing possible submissions.

5. BUS SHELTER IN THE OLD ROAD, ROBERTSON 7325/1

Clr L A C Whipper asked why the bus shelter that was removed from The Old Road, Robertson last September has not been replaced as yet and what communication has occurred with the local community on this issue.



COMMITTEE MINUTES

c-CR4	Moss Vale Master Plan Committee
--------------	--

REF	DEP	1603/28
-----	-----	---------

Submitting minutes of the Moss Vale Master Plan Committee Meeting held on Monday, 5 February 2007.

MN 66/07

MOTION moved by Cllr M Murray and seconded by Cllr P George:

THAT the recommendations as detailed in the minutes of the Moss Vale Master Plan Committee Meeting held on Monday, 5 February 2007 be adopted.

PASSED

CORPORATE SERVICES DIVISION

c-CS1	Closed Council
-------	----------------

REF.	DCS
------	-----

107/9

To consider moving into Closed Council.

At this juncture, the time being 7.58pm, 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 Council's opinion, publication of the proceedings would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

It was noted that no objections were received from the public.

MN 67/07

MOTION moved by Cllr M Murray and seconded by Cllr P J Yeo:

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:

GM-1 **ASSESSMENT OF TENDERS RECEIVED FOR TRANSPORT SERVICES TO THE RESOURCE RECOVERY CENTRE** 7500/19.1

Relevant Legal Provision

This report is placed in Closed Committee as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business under Clause 10A(2)(c) of the Local Government Act.

Brief Description

Reporting on the process and outcome of a tender for transport services to the Resource Recovery Centre for a seven year period.

Public Interest

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

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

PASSED

GENERAL MANAGERS REPORT

GM-1	Assessment of Tenders Received For Transport Services to the Resource Recovery Centre
-------------	--

REF:	MRR	7500/19.1
------	-----	-----------

Relevant Legal Provision

This report is placed in Closed Committee as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business under Clause 10A(2)(c) of the Local Government Act.

Brief Description

Reporting on the process and outcome of a tender for transport services to the Resource Recovery Centre for a seven year period.

Public Interest

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

The Committee on a MOTION moved by Clr M Murray seconded by Clr P J Yeo
RECOMMENDED

1. **THAT Council accepts the Tender of Staples Bros Pty Limited in the sum of \$4,005,413.44 for the supply of Transport Services to the Resource Recovery Centre.**
2. **THAT the Mayor and General Manager be granted authority to execute the contract under the Common Seal of the Council**

PASSED

ADOPTION OF CLOSED COUNCIL

MN 68/07

107/9

MOTION moved by Clr G Lewis seconded Clr N N Campbell-Jones:

THAT the recommendations of the Closed Council held on Wednesday, 14 February 2007 GM - 1, be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

MN 69/07

107/10

MOTION moved by Clr G Lewis seconded by Clr N N Campbell-Jones:

THAT the recommendations of the Open Council held on Wednesday, 14 February 2007 being OC 10/07 to OC 13/07, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, Wednesday, 14 February 2007



THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.06PM.

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 14 February 2007 numbered MN 32/07 to MN 69/07, were signed by me hereunder at the Council Meeting held on Wednesday, 28 February 2007.

CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 28 FEBRUARY 2007

CHAIRMAN

PUBLIC OFFICER



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, Wednesday, 14 February 2007

