

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/07



held on Wednesday, 23 May 2007

The meeting commenced at 3.05pm.

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 23 May 2007

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 23 May 2007



COMMENCING AT: 3.05PM

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 M J Murray,
Clr S H Murray 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 Donna Jensen of Southlands Christian Church.

PRESENTATION – LEONARD LONG PAINTING OF LAKE ALEXANDRA

File Nos. 102, 6545/5

The Mayor introduced Ms Leah Day, a local historian, who handed a cheque to Council for \$3,500 from the sale of the Leonard Long painting of Lake Alexandra to Mittagong RSL Club. The funds from the sale of this painting will go towards interpretive plaques around the Lake.

Ms Day gave a brief history of Lake Alexandra and the research carried out by herself and Tim McCartney. She also told of the story behind the painting by the world famous artist Leonard Long who had grown up in Mittagong.

The Mayor thanked Ms Day and presented the cheque to the General Manager.

PUBLIC FORUM

Mr John Stevenson requested and was granted permission to address Council on the following item in the agenda:

o-TS1 – Proposed Welby to Mittagong Pathway

The Mayor thanked Mr Stevenson for his comments which would be taken into account when the matter was discussed later in the meeting.



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APOLOGY

MN 176/07

PERS

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

THAT the apologies of Clr J E Mauger, Clr P B Tuddenham and Clr L A C Whipper be accepted and leave of absence granted.

PASSED

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 9 MAY 2007

100/1

MN 177/07

MOTION moved by *Clr T D Gair* and seconded by *Clr M J Murray*:

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 9 May 2007 MN 156/07 to MN 175/07 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting with the exception of General Business Item 1 on page 32 – Road Widening & Extension of Blue Gum Road, Bundanoon.

PASSED

1. ROAD WIDENING & EXTENSION OF BLUE GUM ROAD, BUNDANOON RD 1809

Clr J R Clark stated that the word “Special” in the third line of the first paragraph on page 32 should be amended to read “Species”.

DECLARATIONS OF INTEREST

101/3

-
1. Clr S H Murray declared a non-pecuniary interest in Item o-EP3 - Request for Modification at ‘The Intersection,’ Bowral & Station Sts, Bowral and Item o-EP7 - Retail Shops, Bowling Alley & Function Rooms, 68 Station St, Bowral as she is a friend of the applicant. She stated that she would leave the chamber when these matters were discussed, take no part in the debate and refrain from voting thereon.
 2. The Mayor, Clr G Lewis, declared a pecuniary interest in the Supplementary Report Item o-TS2Roads & Traffic Authority State Accident Blackspot Grant Funding as he resides within 500 metres of Item 2: Purcell Street and Park Road, Bowral – Roundabout Construction. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
-

MAYORAL MINUTE

MAYORAL MINUTE

c-MM1 Support for Children

REF. MAYOR 1825 (cc 102/5)

Reporting on Council's support for children in the Shire.

MN 178/07

MOTION moved by Clr G Lewis and seconded by Clr P J Yeo:

THAT Council advises the Wingecarribee Shire community of the services it provides for children with an article in an upcoming edition of "Wingecarribee Today".

PASSED

THE PASSING OF MR KEN McINNES

The Mayor stated that he had just learned of the passing of Mr Ken McInnes, who had been No. 2 on the Liberal ticket in the 1987 elections (running with Clr Peter Reynolds). He lived in Burradoo and came to Council with a swag of qualifications in Economics and Town Planning. Ken served until 1995 and had experience with all tiers of government in the corporate planning and management of large scale projects in both rural and urban areas. He always had Council's finances very well under control and was a keen debater.

The Mayor asked Councillors, staff and members of the public to stand and observe one minute's silence as a mark of respect for Mr McInnes.

OPEN COUNCIL

MN 179/07

107/10

MOTION moved by Clr T D Gair and seconded by Clr M J Murray:

THAT Council move into Open Council to discuss various matters listed in the Agenda with Clr P J Yeo in the Chair.

PASSED

VISITOR ITEMS

ENVIRONMENT & PLANNING DIVISION

v-EP1 Fee Structure for On-site Sewerage Management Systems (OSSM)

REF: EHM

5405

The purpose of this report is to provide Council with options relating to the fee structure for approving and inspecting On-Site Sewerage Management Systems (OSSM).

Council's Environment & Health Manager, Andrew De Montemas, addressed Council on this matter.

OC 125/07

The Committee on a MOTION moved by Clr M J Murray and seconded by Clr M L King
RECOMMENDED:

THAT this matter be deferred pending further information being received as to whether the sewer fund can cover on-site sewerage management inspections.

PASSED

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 30/4/07 and 15/5/07.

OC 126/07

The Committee on a MOTION moved by Clr M J Murray and seconded by Clr P A George
RECOMMENDED:

THAT the information relating to Development Consent Nos 1-9 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 30/4/07 and 15/5/07, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

OC 127/07

The Committee on a MOTION moved by Clr T D Gair and seconded by Clr G Lewis
RECOMMENDED:

THAT the information regarding the List of Land Use Applications Nos 1-8 received by Council be received and noted.

PASSED

.....Cont'd



Cont'd.....

Matters Arising from Development Applications received by Council:

1. WALL FOR ASHES IN CEMETERY – ST PATRICKS CHURCH,
ILLAWARRA HIGHWAY, SUTTON FOREST

LUA07/0455

Clr J Clark referred to Item 8 and asked if there were any heritage issues involved with this development.

The Director Environment & Planning responded that he would advise by Weekly Circular.

2. STRATA SUBDIVISION – 24 JELLORE STREET, BERRIMA

LUA07/0467

Clr N N Campbell-Jones referred to Item 5 and asked if this matter should be referred to the Works & Planning Committee.

The Director Environment & Planning stated that he did not believe this matter needed to go to Works & Planning but would provide more details via the Weekly Circular.

o-EP3 Request for Modification at 'The Intersection,' Bowral & Station Sts, Bowral

REF: DCM

LUA05/0732

Reporting on request for modification at 'The Intersection.'

Interest: Clr S H Murray declared a non-pecuniary interest in this matter as she is a friend of the applicant. She left the chamber, took no part in the debate and refrained from voting thereon.

OC 128/07

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

1. **THAT Development Consent LUA05/0732 not be modified under S.96(2) of the Environmental Planning & Assessment Act 1979 .**
2. **THAT pavers from the property boundary to the kerb line are acceptable, rather than a concrete finish path with grass strip.**
3. **THAT the matter of underground power lines be deferred pending the receipt of further legal advice from Council's solicitor.**

PASSED

o-EP4 Draft LEP (126) – Moss Vale South West Residential Release Areas

REF: SPM

PN 267400 & PN1678200

The purpose of this report is to inform Council that an s.65 Certificate to enable exhibition of the draft LEP was received from the Department of Planning. This report also updates Council on the progress of infrastructure planning and funding arrangements.

OC 129/07

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

1. ***THAT Council proceeds to publicly exhibit the draft LEP Amendment No. 126 in accordance with the requirement of the Environmental Planning & Assessment Act 1979 and Regulations.***
2. ***THAT a report be submitted to Council following the exhibition period considering any submissions received to update Council on infrastructure planning and the Voluntary Planning Agreements***

PASSED

o-EP5 Administration S.94 Plan Review

REF: SPM

5701/20

Reporting on the review of the Administration Resources S.94 Plan, following public exhibition.

OC 130/07

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

THAT Council adopts the amended Section 94 Plan for Administration Resources and notifies the community of its decision in the local press.

PASSED

o-EP6 Proposed Amendments to DCP 54 – Exeter – relating to the Vine Lodge and Exeter Quarry Sites

REF: SPM

5700/54

The purpose of this report is to recommend certain amendments to DCP 54 – Exeter – to include the Exeter Quarry site.

OC 131/07

The Committee on a MOTION moved by Clr N N Campbell-Jones and seconded by Clr M J Murray **RECOMMENDED:**

1. **THAT the recommended amendments to DCP 54 be adopted.**
2. **THAT the amended DCP be placed on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act 1979.**
3. **THAT the owners be notified of Council's decision.**

PASSED

o-EP7 Retail Shops, Bowling Alley & Function Rooms, 68 Station St, Bowral

REF: DCM

LUA06/0348

Reporting further on proposed development at Lot 2 DP 1031671, 68 Station Street, Bowral.

Interest: Clr S H Murray declared a non-pecuniary interest in this matter as she is a friend of the applicant. She left the chamber, took no part in the debate and refrained from voting thereon.

OC 132/07

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

THAT the applicant be invited to the next Works & Planning Committee meeting on Wednesday, 6 June 2007 to address the issues raised in the report and others as identified by the Works & Planning Committee.

PASSED

o-EP8 Proposed Retail / Commercial Building & Carpark, Victoria St, Bowral

REF: DCM

LUA06/0879

Reporting further on the proposed retail / commercial building and carpark at Lot 3 DP 1104038 Victoria Street, Bowral.

OC 133/07

The Committee on a MOTION moved by Clr G Lewis and seconded by Clr T D Gair
RECOMMENDED:

THAT a decision on this matter be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 13 June 2007 to enable the objectors to peruse the responses from the Sydney Catchment Authority and the Roads & Traffic Authority.

PASSED

o-EP9 14 Community Title Cluster Houses, Loftus Street, Bowral

REF: DCM

LUA06/0123

Reporting further on a proposal for a 14 cluster house development at Lot 24 DP 713573 Loftus Street, Bowral.

OC 134/07

The Committee on a MOTION moved by Clr M J Murray and seconded by Clr M L King
RECOMMENDED:

- 1. THAT this matter be deferred to allow further negotiation to be entered into with the developer regarding access off Loftus Street, the potential sale of Meryla Road (allowing pedestrian access) AND THAT water storage on site be increased.***
- 2. THAT the situation regarding the traffic problems for Mt Eymard residents be addressed.***
- 3. THAT consideration be given to the construction of a pedestrian refuge to service Mt Eymard residents.***

PASSED

CORPORATE SERVICES DIVISION

o-CS1 Pensioner Rate Rebate Claim Number 135

REF: FSM

2211/2006

Submitting a report on the details of amounts written off and amounts to be claimed from the Department of Local Government for pensioner rates rebates granted on general rates, garbage accounts, water and sewerage accounts from 1 January 2007 to 30 April 2007.

OC 135/07

The Committee on a MOTION moved by Clr M J Murray and seconded by Clr P A George
RECOMMENDED:

1. **THAT Council authorises the abandonment of \$168,108.85 for the Pensioner Rebate Claim Number 135.**
2. **THAT \$92,459.87 be claimed from the State Government.**

PASSED

o-CS2 Committee Appointments & Resignations
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REF: AOL

107/1

Reporting on Management Committee Appointments and Resignations.

OC 136/07

The Committee on a MOTION moved by Clr M J Murray and seconded by Clr P A George
RECOMMENDED:

1. **THAT Anne McMillan be appointed to the East Bowral Community Centre Management Committee AND THAT Ms McMillan be notified of Council's determination.**
2. **THAT the East Bowral Community Centre Management Committee be notified of Council's determination.**

PASSED

o-CS3	Investments as at 30 April 2007
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REF	FSM	2104
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Submitting details of Council's investments as at 30 April 2007

OC 137/07

The Committee on a MOTION moved by Clr M J Murray and seconded by Clr P A George
RECOMMENDED:

THAT the information on Council's investments as at 30 April 2007 be received and noted.

PASSED

o-CS4	Postponed Rates Write-off
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REF	FSM	2216/1
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Submitting a report for the abandonment of postponed rates as required under Section 595(1) of the Local Government Act.

OC 138/07

The Committee on a MOTION moved by Clr P A George and seconded by Clr M J Murray
RECOMMENDED:

- THAT Council, in accordance with Section 595 of the Local Government Act 1993, writes-off the postponed rates and associated extra charges as per Attachment 1 for the value of \$14,044.05.**
- THAT Council officers investigate whether the full property address is required in the Council agenda papers.**

PASSED

o-CS 5 Drainage Matter – No 3 Youngingbill Close, Bowral
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REF.	PO	8117
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Requesting approval for Council's Seal for a transfer granting easement at 3 Youngingbill Close, Bowral and payment of \$10,000 compensation.

OC 139/07

*The Committee on a MOTION moved by Clr M J Murray and seconded by Clr N N Campbell-Jones **RECOMMENDED:***

1. **THAT the General Manager and Mayor be authorised to execute the Transfer Granting Easement and Deed of Agreement & Release for 3 Youngingbill Close, Bowral**
2. **THAT Council authorises the payment of \$10,000 to M J and A M Smith AND THAT such funds be allocated from Section 94 funding.**

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 23 May 2007

REPORT OF DIRECTOR TECHNICAL SERVICES

TECHNICAL SERVICES DIVISION

o-TS1	Proposed Welby to Mittagong Pathway
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REF:	DTS	6690/10.1, 7830
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Reporting on the proposed Welby to Mittagong Pathway.

OC 140/07

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

1. **THAT resolutions 1 to 7 from MN 104/07 be rescinded.**
2. **THAT Council endorses the preferred route for a shared pathway along the northern side between the Shell garage at 227 Old Hume Highway and Pioneer Street, Mittagong.**
3. **THAT Council utilises the \$100,000 contribution from the Developer of Mittagong Marketplace towards this project.**
4. **THAT \$55,580 from Section 94 Plan, MG4 be allocated towards construction of stormwater drainage improvements along the Old Hume Highway, Mittagong.**
5. **THAT the balance of the construction cost (approximately \$444,420) be funded from the Land Rental Charge Reserve AND THAT 50% of the balance be reimbursed to the Land Rental Charge Reserve from future Section 94 funds to be collected in accordance with the 2007 Open Space and Recreation Facilities Developer Contributions Plan.**
6. **THAT the relevant amendments be made to the 2007/08 Management Plan to enable construction of this project in the 2007/08 financial year.**
7. **THAT Council considers the construction of a pathway on the southern side of the Old Hume Highway in future management plans in conjunction with competing priorities.**
8. **THAT the General Manager note Councillors' high priority for this project.**

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 23 May 2007

REPORT OF DIRECTOR TECHNICAL SERVICES

SUPPLEMENTARY REPORT

o-TS2	Roads & Traffic Authority State Accident Blackspot Grant Funding
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REF: DTS	7806/1, RD3118, RD1595, RD1427 & RD1591
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This report is being presented as a Supplementary Report to the Council Meeting of 23 May 2007 because it relates to grant offers received from the Roads & Traffic Authority on 21 May 2007, which must be accepted by 31 May 2007.

Interest: The Mayor, Clr G Lewis, declared a pecuniary interest in this matter as he resides within 500 metres of Item 2: Purcell Street and Park Road, Bowral – Roundabout Construction. He left the chamber, took no part in the debate and refrained from voting thereon.

OC 141/07

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

1. **THAT Council accepts the grant funding from the Roads & Traffic Authority for the installation of Traffic Signals at the intersection of the MR258 Old Hume Highway and Bessemer Street, Mittagong and for the construction of a roundabout at Purcell Street and Park Road Bowral;**
2. **THAT \$150,000 be allocated from Section 94 funds collected for road works in the Mittagong and Welby precincts towards the installation of traffic signals at the intersection of MR258 Old Hume Highway and Bessemer Street, Mittagong;**
3. **THAT \$45,000 be considered for funding from any surplus at the end of the 2006/07 financial year to match RTA grants for the construction of a roundabout at Purcell Street and Park Road, Bowral.**

PASSED

COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 General Manager's Quarterly Report

REF.	GM	506/1
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Submitting the General Manager's Quarterly Report to 31 March 2007.

OC 142/07

The Committee on a MOTION moved by Clr M J Murray and seconded by Clr J R Clark
RECOMMENDED:

THAT the information in respect of the General Manager's Quarterly Report to 31 March 2007 be received and noted.

PASSED

c-GM2 Weekly Circulars

REF.	GM	100/8, 203/2007
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Confirming receipt of weekly circulars from the Local Government Association and Council weekly circulars.

OC 143/07

The Committee on a MOTION moved by Clr M J Murray and seconded by Clr P A George
RECOMMENDED:

THAT the information relating to Local Government Weekly Circulars Nos 18/07 and 19/07 and Council Weekly Circulars Nos 18/07 and 19/07 be noted.

PASSED

.....Cont'd

Cont'd.....

Matters Arising from Weekly Circulars

1. AFFORDABLE HOUSING KIT 1823

Clr P Yeo referred to an Affordable Housing Kit which can be downloaded from the ALGA website. He asked if Councillors on the Community Services Consultative Committee could have a hard copy of this kit.

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

2. SOUTHERN HIGHLANDS TO GOULBURN PIPELINE 7790/20

Clr T D Gair referred to Council Weekly Circular No. 21/07 regarding the Goulburn emergency pipeline project. He asked if it would be possible to obtain a costing for a branch line to service Penrose and Wingello in the future as opposed to the pipeline following the Highland Way.

The Director Technical Services responded that the main problem is that the pipeline will be transporting untreated or raw water and even if a take-off pipeline were constructed, a treatment facility would be needed before the water could be supplied to residents.

OTHER MATTERS

OTHER MATTERS

NOTICE OF MOTION

c-NM1 18/2007 – Notice of Motion - Additional Parking Ranger

REF: DEP 842/2.4, 7450, 5504, 5504/1

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, 23 May 2007:

1. *THAT for a trial period of 24 months another Parking Ranger be employed who spends 4 days on parking in Bowral and one day policing signage and truck parking infringements.*
2. *THAT the existing Parking Ranger be endorsed as a Parking Ranger and not subject to callouts.*

OC 144/07

The Committee on a MOTION moved by Clr N N Campbell-Jones and seconded by Clr M J Murray **RECOMMENDED:**

1. ***THAT an additional Parking Ranger be employed for a trial period of 24 months AND THAT this Ranger spends four (4) days on parking in Bowral and one day policing signage and illegal truck parking.***
2. ***THAT the designated work of the Parking Ranger be reviewed every six (6) months.***
3. ***THAT the existing Parking Ranger be endorsed as a Parking Ranger only and not subject to callouts.***

PASSED

CHAIRPERSON

At 4.55pm being the conclusion of Open Council, the Mayor, Clr G Lewis, resumed the chair to conduct the remainder of Council business.

OTHER MATTERS

QUESTION WITH NOTICE

c-QWN1	QWN 03/07 – Annesley Seniors' Living Complex
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REF.	GM
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101/2

Reporting on the Question with Notice raised by Clr L A C Whipper dated 14 May 2007 regarding the Annesley Seniors' Living Complex.

MN 180/07

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

THAT this matter be deferred for consideration at the next Ordinary Meeting of Council to be held on Wednesday, 13 June 2007 when Clr L A C Whipper is present.

PASSED



COMMITTEE REPORTS TABLED

c-CR1	Management and Advisory Committee Reports
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REF.	DCS	107/1
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Submitting minutes of the following five (5) Committee meetings that will be tabled for information.

1. Bowral Tulip Time Committee meeting Monday, 23 April 2007
2. The Access Committee meeting Wednesday, 28 March 2007
3. Penrose Hall and Recreation Reserve Committee Monday, 16 April 2007
4. Wingecarribee Youth Council meeting Thursday, 29 March 2007
5. Wingecarribee Youth Council meeting Thursday, 2 May 2007

MN 181/07

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

THAT the information contained in the five (5) Committee Reports be noted.

PASSED

Clr P George referred to Item No. 5 (Youth Council minutes) and asked for it to be noted that the Youth Council now has its own time slot on Youth Radio and that they would be calling on each Councillor for an hour long interview.



COMMITTEE REPORTS ATTACHED

c-CR2	Arts & Culture Board	
REF	SPM	1660/1

Submitting minutes of the Arts & Culture Board meeting held on Monday, 3 May 2007.

MN 182/07

MOTION moved by Clr M J Murray and seconded by Clr T D Gair:

THAT the recommendations as detailed in the minutes of the Arts & Culture Board meeting held on Monday, 3 May 2007 be adopted with the exception of Item 3.3 Bowral Court House.

PASSED

1. ITEM 3.3 – BOWRAL COURT HOUSE 1430

Clr P Yeo referred to the recommendation regarding Bowral Court House on page 64 in relation to Council writing to the two (2) local members asking them to pursue the process. He believed Council needed to tell the local members that we want them to represent us regarding a favourable offer to the community on that building. Council needs to clarify that in this correspondence and still pursue the fact that it wants a beneficial arrangement for the community – i.e. incorporating Bowral Court House into the beautiful historic precinct for use by the community.

MN 183/07

MOTION moved by Clr P J Yeo and seconded by Clr M L King :

THAT the Arts & Cultural Planner, Clr M King and Clr P Yeo confer with the Mayor to compose an appropriate letter to Mr Matt Brown MP and Ms Pru Goward MP.

PASSED



c-CR3 Minutes of the Traffic Committee

REF. DTS 107/6

Submitting Minutes of the Traffic Committee meeting held on Monday, 14 May 2007.

MN 184/07

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

THAT recommendation Nos. TC 42/07 to TC 63/07as detailed in the minutes of the Traffic Committee meeting held on Monday, 14 May 2007 be adopted.

PASSED

c-CR4 Minutes of Finance Committee

REF DCS 107/21

Submitting minutes of the Finance Committee Meeting held on Wednesday, 16 May 2007.

MN 185/07

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

THAT recommendation Nos FM08/07 to FM11/07 as detailed in the minutes of the Finance Committee Meeting held on Wednesday, 16 May 2007 be adopted.

PASSED

COMMITTEE MINUTES

c-CR5 Moss Vale Master Plan Committee

REF DEP 1603/28

Submitting minutes of the Moss Vale Master Plan Committee Meeting held on Monday, 14 May 2007.

MN 186/07

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

THAT the recommendations as detailed in the minutes of the Moss Vale Master Plan Committee Meeting held on Monday, 14 May 2007 be adopted.

PASSED

c-CR6 Bowral Sub-Regional Centre Master Plan Committee

REF GM 1603/30

Submitting minutes of the Bowral Sub-Regional Centre Master Plan Committee Meeting held on Monday, 16 April 2007.

MN 187/07

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

THAT the recommendations as detailed in the minutes of the Bowral Sub-Regional Centre Master Plan Committee Meeting held on Monday, 16 April 2007 be adopted.

PASSED

GENERAL BUSINESS

GENERAL BUSINESS

1. PUBLIC TOILETS – JORDANS CROSSING OVAL, BUNDANOON 6529/6, 7145

Clr J Clark asked if Council would consider the provision of permanent public toilets at Bundanoon Oval in the vicinity of Erith Street - either by way of expenditure in a future budget or by inclusion in section 94 developer contribution priorities. He stated that at present the only Council toilet is in the change rooms which are not permanently open.

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

2. COUNCILLOR PROFESSIONAL DEVELOPMENT PROGRAM 805/6

Clr P George referred to the 2007 Councillor Professional Development Program and asked for permission from Council for Clr M King and herself to attend the “*Know Your Planning Legislation*” Workshop to be held in Sydney on 28 September 2007.

Clr George also requested approval to attend the “Media Skills” Workshop to be held on 20 August 2007.

Clr M King requested approval to attend the “*Heritage Short Course for Local Government Development Approvals: The Heritage Perspective*” which is to be held on 13 June 2007.

MN 188/07

MOTION moved by Clr P J Yeo and seconded by Clr S H Murray:

THAT Clr P George and Clr M King attend the following Local Government Learning Solutions 2007 Councillor Professional Development Program Workshops at a total cost of \$1,551:

Councillor	Workshop	Venue	Date	Cost inc GST
P George	Know Your Planning Legislation	Sydney	28 September 2007	\$396
P George	Media Skills	Sydney	20 August 2007	\$462
M King	Know Your Planning Legislation	Sydney	28 September 2007	\$396
M King	The Heritage Perspective	Sydney	31 October 2007	\$297

PASSED

MATTER OF URGENCY

2. **WINGECARRIBEE YOUTH COUNCIL CONSTITUTION** 107/12

Clr P George stated that she had some amendments to the Wingecarribee Youth Council Constitution and asked that this be considered as a Matter of Urgency.

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

MN 189/07

MOTION moved by *Clr P A George* and seconded by *Clr M L King*

THAT the amendments to *Clauses 5.5.1 under Financial Management and 4.1.1 under Membership* be considered as a matter of urgency.

PASSED

MN 190/07

MOTION moved by *Clr P A George* and seconded by *Clr M L King*

THAT the *Wingecarribee Youth Council Constitution* be amended as follows:

1. **4.1 - MEMBERSHIP**

Clause 4.1.1 to be amended to read as follows:

4.1.1 *Membership of the Youth Council will be comprised of the following participants:*

- *up to 24 youth, with at least two being non-school attendees*
- *two Councillors as nominated annually by Council*
- *one Council Officer from Social & Community Services Planning*

2. **5.5 - FINANCIAL MANAGEMENT**

Clause 5.5.1 to be amended to read as follows:

5.5.1 *No payment shall be made to any Youth Council member whose services shall be Honorary except for reimbursement of travel costs to and from meetings with the prior agreement of the General Manager or his delegate.*

PASSED



3. WONGABRI DEVELOPMENT

5800/17

Clr M Murray referred to the Wongabri development and asked when the independent planning report would come back to Council which he believes has an addendum from another expert.

The Director Environment & Planning stated that it was his understanding the report had an addendum from a particular landscape specialist and he hoped it would be back by the end of this week

Clr Murray also advised that due to prior commitments he would be unable to attend the panel and that the Deputy Mayor, Clr N N Campbell-Jones would be going in his place.

The Director Environment & Planning responded this needed to be confirmed with the Department of Planning staff and he would confirm on Monday, 28 May 2007 exactly who is invited.

Clr Murray reiterated his belief that it was essential for the two people who put the report together to be present at the panel.

4. DUMPING OF RUBBISH ON VACANT LOT – TYNDALL & SPENCER
STREETS, MITTAGONG

5508

The Mayor asked for information on the rubbish being dumped on a vacant lot between Tyndall and Spencer Streets, Mittagong.

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

5. LIGHTS OUT IN MITTAGONG

7330

The Mayor referred to the following lights out in Mittagong:

- the first pole in Tyndall Street turning right from Oxford Street
- the light on the Gib side under the railway pass

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



QUESTIONS FROM THE PUBLIC

1. PAVING OF FOOTPATH – MITTAGONG CBD 7810/5

Mr Charlie Johns, representing Mittagong Regional Chamber of Commerce, stated that the Chamber notes a small number of complaints and some harassment of contractors and Council staff working on the paving of the Bowral Road section. He stated that the Chamber believed this was unfortunate and totally inappropriate, given the effort made and that some workers are on site all night.

Mr Johns advised that the Chamber would like to congratulate Council on this project on behalf of local businesses and ratepayers and added that special thanks should go to Council staff and contractors involved in the ongoing work for their efforts to minimise the effect on local businesses and pedestrians. The Chamber looks forward to completion of the project which will enhance the Mittagong CBD.

The Director Technical Services stated that he would investigate the complaints involving harassment of contractors and Council staff.

2. DEVON & WESTGROVE ROAD, EXETER 5700/54

Mrs Pam Cooper asked what zoning changes were made in the decision to revise the land in Westgrove and Devon Roads, Exeter and what were the reasons for this decision.

The Director Environment & Planning responded that there had not been any rezoning and that when the Draft Shirewide LEP goes on exhibition the community will then be aware of any number of changes that Council may have made. He stated that he would explain the process to Mrs Cooper.

3. o-EP6 VINE LODGE PROPOSED AMENDMENTS TO DCP 54: EXETER – RELATING TO THE VINE LODGE AND EXETER QUARRY SITES 5700/54

Mrs Pam Cooper referred to Item o-EP6 and thanked those concerned in recommending the inclusion of DCP 54 for the Exeter Quarry land. She asked if these height restrictions would also apply to the Conditions of Consent for the Vine Lodge Estate.

The Director Environment & Planning responded that the DCP already included the Vine Lodge site and will apply to both.



4. o-EP6 VINE LODGE PROPOSED AMENDMENTS TO DCP 54: EXETER – RELATING TO THE VINE LODGE AND EXETER QUARRY SITES 5700/54

Mr Peter Falk referred to the need for an Aboriginal archaeological survey to be carried out on these sites as there were Aboriginal burial sites known to be on both sites.

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

5. HIGHLANDS HOMEMAKERS CENTRE - ABORIGINAL BURIAL SITE LUA06/1282
5652/11

Mr Peter Falk stated that he had not received an answer to the question he had raised at the Ordinary Meeting of Council held on Wednesday, 26 April 2007 regarding the possibility that the Homemaker Centre's site is possibly an aboriginal burial site.

The Director Environment & Planning responded that he had met with Mr Falk and discussed this matter.

The General Manager explained that Council undertakes to give an answer which may not necessarily be in writing.

5. FLYING THE ABORIGINAL FLAG 1615

Mr Peter Falk referred to the question he had asked at the Ordinary Meeting of Council on Wednesday, 26 April 2007 regarding flying the Aboriginal flag outside the Council Chambers during business hours.

The Mayor stated that the flag will be flying on Friday to mark the 40th Anniversary (on Sunday, 27 May) of the 1967 Referendum which recognised Aborigines as citizens.

The General Manager added that Council had responded that there was no resolution from Council to fly the flag other than during NAIDOC week.

6. ABORIGINAL ARCHAEOLOGICAL SURVEY ON BUNDANOON OVAL 5652/11

Mr Peter Falk referred to the work being carried out at the moment on Bundanoon Oval and asked why no archaeological survey had been done on this site.

The Director Technical Services stated that he believed the project was for the construction of basketball courts and there had been extensive community consultation.

Mr Falk stated that there had not been any consultation with the Aboriginal community.

The Director Technical Services responded that he would seek advice from the Director Environment & Planning on this matter.

CORPORATE SERVICES DIVISION

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

At this juncture, the time being 5.25pm, 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.

Clr M J Murray stated that there was a third matter relating to a company where judgment had been obtained which should also be heard in Closed Council tonight. This matter had been considered in the Legal Committee meeting earlier today

Clr S Murray stated that Item GM-2 Offer to Purchase Part Lot 1 Deposited Plan 26366 Old Hume Highway Mittagong should be heard in Open Council as she believed the process needed to be discussed openly.

Clr M J Murray advised that the matter was being heard in Closed Council for reasons of commercial in confidence.

Clr N N Campbell-Jones stated that there were several matters that may arise in this discussion that should not be heard in open council.

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

.....Cont'd

Cont'd.....

MN 191/07

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

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 OFFER TO PURCHASE LOT 12 DP 788983 DRAPER ROAD, COLO VALE PN 452600; 7122

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 an offer from Chris Lyons (Lyons Transport) to acquire Council owned land at Lot 12 Draper Road, Colo Vale (off Government Road – unformed - Braemar).

Public Interest

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

GM-2 OFFER TO PURCHASE PART LOT 1 DEPOSITED PLAN 26366 OLD HUME HIGHWAY MITTAGONG PN 172500

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 an offer to purchase part of Council owned land at the rear of 197 Old Hume Highway, Mittagong, by Fabcot Pty Limited (a wholly owned subsidiary of Woolworths Ltd).

Public Interest

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

.....Cont'd

Cont'd.....

ADDITIONAL MATTER

GM-3 FREVCOURT PTY LTD

5701/4, D9932.301 S2

Relevant Legal Provision

This report is placed in Closed Committee as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege as per Clause 10A(2)(g) of the Local Government Act 1993..

Brief Description

Reporting on the judgement against Frevcourt Pty Ltd handed down on 28 April 2007 with hearing set down for 28 days from 15 May 2007.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information concerning legal proceedings.

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	Offer to Purchase Lot 12 DP 788983 Draper Road, Colo Vale
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REF.	PO	PN 452600; 7122
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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 an offer from Chris Lyons (Lyons Transport) to acquire Council owned land at Lot 12 Draper Road, Colo Vale (off Government Road – unformed - Braemar).

Public Interest

It would on balance 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 Cllr M J Murray seconded by Cllr T D Gair
RECOMMENDED

1. **THAT the property known as Lot 12 Deposited Plan 788983 be rezoned under the new LEP as IN1 General Industrial or IN2 Light Industrial and the property also be reclassified as operational land.**
2. **THAT upon rezoning and reclassification of the property known as Lot 12 Deposited Plan 788983 Council transfer the whole of its interest in the property to Chris Lyons of Lyons Transport (or nominee) for the agreed consideration.**
3. **THAT the consideration to be paid to Council by Mr Lyons (or nominee) for the acquisition is \$400,000.00 (inclusive of G.S.T.).**
4. **THAT Council and the purchaser each bear their own legal costs in respect of the transaction.**
5. **THAT the Deed of Agreement and transfer documentation for the transfer of title for Lot 12 Deposited Plan 788983 Draper Road, Colo Vale to Mr Lyons or nominee be executed under the Common Seal of the Council.**

PASSED

GM-2 Offer to Purchase Part Lot 1 Deposited Plan 26366 Old Hume Highway Mittagong

REF.

PO

PN 172500

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 an offer to purchase part of Council owned land at the rear of 197 Old Hume Highway, Mittagong, by Fabcot Pty Limited (a wholly owned subsidiary of Woolworths Ltd).

Public Interest

It would on balance 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 N N Campbell-Jones seconded by Clr T D Gair
RECOMMENDED

THAT Council rejects the offer made by Woolworths Limited and advises them that the subject land is not for sale.

PASSED

ADDITIONAL MATTER

GM-3	Frevcourt Pty Ltd
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REF.	DEP	5701/4, D9932.301 S2,
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Clr M J Murray stated that this matter had been considered in the Legal Committee meeting earlier today.

Relevant Legal Provision

This report is placed in Closed Committee as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege as per Clause 10A(2)(g) of the Local Government Act 1993..

Brief Description

Reporting on the judgement against Frevcourt Pty Ltd handed down on 28 April 2007 with hearing set down for 28 days from 15 May 2007.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information concerning legal proceedings.

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

THAT Council authorises its solicitor to issue and serve a Wind-up application upon Frevcourt Pty Ltd upon the expiration of the Section 459 Notice and non-payment of that demand.

PASSED

OPEN COUNCIL

MN 192/07

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

THAT Council moves back into Open Council.

PASSED

ADOPTION OF CLOSED COUNCIL

The Mayor, Clr G Lewis, read out the Closed Committee recommendations.

107/9

MN 193/07

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

THAT the recommendations of the Closed Council held on Wednesday, 23 May 2007
GM – 1, GM - 2 and Additional Matter GM-3 be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

107/10

MN 194/07

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

THAT the recommendations of the Open Council held on Wednesday, 23 May 2007
being OC 125/07 to OC 144/07, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 23 May 2007



THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.40PM.

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 23 May 2007 numbered MN 176/07 to MN 194/07, were signed by me hereunder at the Council Meeting held on Wednesday, 13 June 2007.

CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 13 JUNE 2007

CHAIRMAN

PUBLIC OFFICER



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 23 May 2007

