

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/07



held on Wednesday, 27 June 2007

The meeting commenced at 3.04pm

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 27 June 2007



COMMENCING AT: 3.04PM

PRESENT: Councillor Gordon Lewis (Mayor) in the Chair
Clr NN Campbell-Jones, Clr J R Clark, Clr P A George (3.08pm),
Clr M L King, Clr J E Mauger, 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, Acting
Manager Administration Services (K Long) and Administration
Officer (AOR)

PRAYER

100/1

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

OXLEY HILL LOOKOUT AWARD – CHRIS & CHARLOTTE WEBB

The Mayor announced that Chris and Charlotte Webb had won a 2007 National Landscape Design award for the Oxley Hill Lookout. He welcomed Chris and Charlotte to the meeting and congratulated them on winning “*the best Commercial or Public Space Landscape*” award from the Australian Institute of Landscape Designers and Managers.

The lookout was designed by Chris and Charlotte and constructed on the old bypassed section of Oxleys Hill Road overlooking Bowral and the Gib. It has become a significant new asset to the Shire, both from a Tourism point of view and for the local community.

Chris Webb presented the Mayor with a certificate which acknowledged Council’s contribution in supplying the land and assisting with the mulching of the lookout.

APOLOGY

MN 204/07

PERS

MOTION moved by Clr S H Murray and seconded by Clr J R Clark:

THAT the apologies of Clr T D Gair and Clr M J Murray be accepted and leave of absence granted.

PASSED

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 13 JUNE 2007

100/1

MN 205/07

MOTION moved by Clr J R Clark and seconded by Clr P A George:

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 13 June 2007 MN 195/07 to MN 198/07 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting with the following correction to General Business Item 9 – Council Finances.

9. COUNCIL FINANCES

101/3

The Director Corporate Services stated that Clr M Murray had requested that his comments be amended as follows:

“Clr M Murray referred to a recent press article regarding a fellow Councillor who is calling for an investigation into finances by the NSW Auditor General’s Department. Councillor Murray stated that he is not aware of any reason why our Council’s finances should be investigated. Our finances are in good condition and are managed effectively and efficiently. Negative inferences were also made about Councillor ethics. Clr Murray stated that there was nothing wrong with his ethics and he had nothing to hide. The only person who is hiding something is the Councillor who never tells us the details of his accusations”.

PASSED

BUSINESS ARISING

1. LEASE OF BERRIMA MUSEUM, LOT 1 DEPOSITED PLAN 854821 OLD HUME HIGHWAY AT BERRIMA 7152, 1688/1, 7120/2

Clr P George referred to Item o-CS1 Lease of Berrima Museum and stated that this matter had been discussed at the Arts & Culture Board meeting on Monday, 25th June 2007 and the Museum had expressed its disappointment at the length of the lease. The museum felt that it would be difficult to obtain grants with only a five (5) year lease and wondered if it could be extended to twenty (20) years. Clr George asked if it was too late to negotiate and asked for guidance from the Mayor and the General Manager on whether this could be progressed.

The General Manager stated that he would investigate this matter and advise accordingly.

2. COUNCIL FINANCES

101/3

Clr P B Tuddenham referred to the article which appeared in “*Your Times*” and expressed his concern that anyone would raise allegations about Council’s finances. He stated that as Chairman of the Finance Committee he took this personally as he has worked together with the Director and the staff and they have made a lot of hard decisions. Clr Tuddenham stated that he would like to know what the allegations were rather than reading a press article which creates community scepticism and bad feeling towards Council. If anyone makes allegations they must be able to support them.

The Mayor asked that Councillors move forward and carry on with all the work at hand in the Shire. He added that any allegations made against Council must be substantiated.

MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY,
20 JUNE 2007

100/1

MN 206/07

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

THAT the minutes of the Extraordinary Meeting of Council held on Wednesday, 20 June 2007 MN 199/07 to MN 204/07 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

DECLARATIONS OF INTEREST

101/3

1. Clr P J Yeo declared a non-pecuniary interest in Item o-EP5 2007/2008 (*Wingecarribee Community Assistance Scheme*) as he is a Community Advisor to an organisation which made application CS-20 and CS-21 under the scheme. He stated that he had left the room and not been involved in any committee discussions regarding these applications and if these matters were debated at tonight's meeting he would not take part in the debate but would exercise his right to vote.
2. Clr N N Campbell-Jones declared a pecuniary interest in Item o-EP11 (*Release of Restriction on use of land under Seal of Council*) as his son is the selling agent for the development. 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. Clrs P George and M King declared a non-pecuniary interest in Item o-EP11 (*Release of Restriction on use of land under Seal of Council*) as two of the companies involved in the development had made a donation to their team's election campaign in 2004. They stated they would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.
4. Clr S H Murray declared a non-pecuniary interest in Item o-EP7 (*Enquiry into the NSW Southern Coalfields*) as she is a member of the Board of the Sydney Catchment Authority. She stated that she would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.

OPEN COUNCIL

MN 207/07

107/10

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

THAT Council move into Open Council to discuss various matters listed in the Agenda with Clr L A C Whipper in the Chair.

PASSED

Clr L A C Whipper acknowledged that Council is meeting on the traditional land of the Gundungurra people and paid his respects to all elders of the Gundungurra and Tharawal nations - past, present and future.



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 5/6/07 and 20/6/07.

OC 174/07

The Committee on a MOTION moved by Clr P J Yeo and seconded by Clr G Lewis
RECOMMENDED:

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 1/6/07 and 18/6/07, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

OC 175/07

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

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

PASSED

.....Cont'd



Matters Arising from Development Applications received by Council

1. POPE – SCOTTISH ARMS – BOARDMAN ROAD, BOWRAL LUA07/0568

The Mayor referred to Item 1 and asked for more background information on this development and whether they now had a liquor licence.

The Director Environment & Planning responded that he would confirm this and provide some history in the Weekly Circular but he believed they had a restaurant licence which allowed the service of alcohol with food.

-
2. CONVERSION TO DAN MURPHY'S LIQUOR OUTLET - LUA07/0609
130 MAIN STREET, MITTAGONG (WOOLWORTHS SUPERMARKET)

Clr S Murray referred to Item 11 and asked if the proposed development would occupy only the land on which Woolworths was situated or whether it takes in any other land.

The Director Environment & Planning responded that it was the whole shopping village and that the application will be included in an Information Session to be held on Wednesday, 4 July 2007.

Clr S Murray stated that she would not be able to attend the information session and asked if particular attention could be paid to the car park at the Information Session as it is dangerous and extremely difficult to negotiate in and out.



o-EP3 Funding Agreement from Department of Family and Community Services

REF: SPM

7163; 1825/29.2

Advising Council of receipt of the Funding Agreement received from the Department of Family and Community Services and seeking Council's resolution to have the Council Seal affixed to the agreement.

OC 176/07

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

THAT the Funding Agreement relating to the Wingecarribee Family Day Care Scheme be executed by the Mayor and General Manager under the Common Seal of Council.

PASSED

o-EP4 Conservation Management Strategy: Market Place Park, Berrima

REF: SPM

5805; 5900; 6526

This report presents the Conservation Management Strategy (CMS) for Market Place Park Berrima, and recommends Council approval of the document and implementation subject to some amendments.

OC 177/07

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

- 1. THAT Council adopts the Conservation Management Strategy: Market Place Park, Berrima and pursues options for budget funding for the actions outlined within the strategy.***
- 2. THAT the statement "under no circumstance is any other part of any tree to be disturbed other than identified in the arborist report" in Policy 2.3 be amended to allow for emergencies and staff action without an arborist report in instances where public safety and risk is involved.***
- 3. THAT Council staff review the appropriate conifer species to plant in this area AND THAT the species list be the subject of a report to be referred back to Council for consideration.***

PASSED



o-EP5 2007/2008 Wingecarribee Community Assistance Scheme

REF: SPM

1870/2007

Submitting for Council's consideration the final recommendations for financial assistance by the Community Assistance Committee under the 2007/2008 Community Assistance Scheme.

Interest: Clr P J Yeo declared a non-pecuniary interest in this matter as he is a Community Advisor to an organisation which made application CS-20 and CS-21 under the scheme. He stated that if these matters were debated he would not take part in the debate but would exercise his right to vote.

In the absence of the Clr T D Gair, the Chairman of the Community Assistance Committee, Clr P Yeo thanked all the committees, the Community Members and the Councillors on the Community Assistance Committee for their hard work.

Clr M King also expressed her thanks to Council's Community & Cultural Development Officer, Jenny Kena, for the wonderful work she has done.

OC 178/07

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

1. **THAT the recommendations of the 2007 Community Assistance Committee as detailed in Attachment 1 circulated under separate cover be adopted.**
2. **THAT successful applicants be invited to attend a formal presentation to receive Certificates of Entitlement AND THAT this presentation ceremony be conducted during Local Government Week proposed for Wednesday 1 August 2007 commencing at 5.30pm in the Moss Vale Theatre.**
3. **THAT correspondence be forwarded to the unsuccessful applicants regrettably advising them of the outcome.**
4. **THAT unspent funds from 2005/6 and unallocated/unspent funds from 2006/7 be rolled over to the 2007/8 budget to be used to make up the shortfall for recommended 2007/8 Community Assistance Scheme applications and to fund a Shire wide approach to providing data projectors and websites as per recommendation of Community Assistance Committee**
5. **THAT recommendations of the Community Assistance Committee re alterations to 2008/9 Community Assistance Scheme Guidelines be approved.**

PASSED

o-EP6 Amended S.94 Plan for Recreation - Adoption

REF: SPM

5701/5

This report considers the adoption of the proposed amendment to the recently adopted s.94 Plan for Open Space and Recreation which reduces the contribution rate for Hill Top and Mittagong and corrects an omission to the works program. It also confirms Council's decision to transfer previous plan funds to the current accounts.

OC 179/07

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

1. **THAT Council adopts the amendment to the s.94 Plan for Open Space and Recreation to reduce the contribution rates for Mittagong to \$4,191, and Hill Top to \$3,727.**
2. **THAT Council transfers funds from its previous developer contribution plans trust fund to its current plan trust fund as detailed below AND THAT any interest earned in these accounts also be transferred across to the relevant current plan trust funds:**

<i>From Previous Plan Account – Precinct details</i>	<i>To current plan account – Precinct details</i>	<i>Amount (including interest)</i>
<i>Precinct 1 – Bowral/Berrima & Oxley Hill</i>	<i>Precinct 1 - Bowral</i>	<i>\$56,089.33</i>
<i>Precinct 2 – East Bowral</i>	<i>Precinct 3 – East Bowral</i>	<i>\$1,112.92</i>
<i>Precinct 3 – Moss Vale, New Berrima, Meryla, Werai & Sutton Forrest</i>	<i>Precinct 6 – Moss Vale</i>	<i>\$63,327.14</i>
<i>Precinct 4 – Exeter, Bundanoon, Penrose & Wingello</i>	<i>Precinct 7 – Bundanoon</i>	<i>\$10,512.97</i>
<i>Precinct 5 – Robertson, Burrawang, Glen Quarry, Kangaloon & Avoca</i>	<i>Precinct 8 - Robertson</i>	<i>\$210,081.87</i>
<i>Precinct 6 – Mittagong & Welby</i>	<i>Precinct 4 – Mittagong</i>	<i>\$8,587.57</i>
<i>Precinct 7 – Alpine, Colo Vale, Aylmerton & Braemar</i>	<i>Precinct 10 – Colo Vale</i>	<i>\$45,313.73</i>
<i>Precinct 8 – Hill Top & Balmoral</i>	<i>Precinct 9 – Hill Top</i>	<i>\$719.85</i>
<i>Precinct 9 – Rural</i>	<i>Shirewide Recreation</i>	<i>\$1,875.40</i>
	<i>TOTAL</i>	<i>\$397,620.78</i>

PASSED



o-EP7 Inquiry into the NSW Southern Coalfields

REF: MSP

5606

Advising Council of the Inquiry into the NSW Southern Coalfields and agreeing to make a formal submission to the Independent Expert Panel.

Interest: Clr S H Murray declared a non-pecuniary interest in this matter as she is a member of the Board of the Sydney Catchment Authority (who will also be making a submission to the Enquiry). She remained in the chamber, took part in the debate and voted thereon.

OC 180/07

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

1. **THAT Council makes a submission to the Expert Independent Panel on the Inquiry into the NSW Southern Coalfields after receiving input and guidance from the Environment Committee.**
2. **THAT Council seeks advice from the Sydney Catchment Authority regarding its position on the matter of the NSW Southern Coalfields.**
2. **THAT the community be invited via a press release to make submissions to Council as soon as possible.**

PASSED



o-EP8 Update on Shire-wide LEP

REF: SPM

5900

The purpose of this report is to seek Council endorsement on further 'policy' changes to the Draft Shire Wide LEP which stem from comments returned to Council from the Department of Planning.

It was requested and agreed that each item be considered in seriatim.

OC 181/07

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

THAT Council adopts the changes to the draft Shire-wide LEP as outlined in this report and resubmits the Draft LEP back to the Department of Planning AND THAT these be dealt with in seriatim.

PASSED

OC 182/07

1. **THAT Council changes the areas zoned B3 Commercial Core to Zone B2 Local Centre. No land in the shire will be zoned B3 Commercial Core.**

PASSED

OC 183/07

2. **THAT Council zones certain land in the Moss Vale Industrial Corridor to Zone IN3 Heavy Industry**

PASSED

OC 184/07

3. **THAT Council Includes Sex Services Premises under the Draft Plan.**

PASSED

Dissenting votes: Clrs S Murray, M King and L A C Whipper requested that their dissenting votes be recorded in respect of this motion.

.....Cont'd



Cont'd.....

OC 185/07

4. **THAT Council deletes Clause 38C Investigation Areas.**

PASSED

OC 186/07

5. **THAT Council prohibits group homes in RU1 Primary Production, RU2 Rural Landscape, E3 Environmental Management, E4 Environmental Living zones.**

PASSED

OC 187/07

6. **THAT Council deletes multi dwelling housing as a permissible use in the R2 Low Density Residential Zone and amend Clause 19B accordingly.**

PASSED

OC 188/07

7. **THAT Council merges the R3 Medium Density Residential and R4 High Density Residential zones and not have R4 zone anywhere. Make residential flat buildings permissible in the R3 zone.**

PASSED

OC 189/07

8. **THAT Council retains Industrial zoning over land along Old Hume Highway Braemar and rural zoning over Braemar Garden World.**

PASSED

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

o-EP9 Proposed 14 Cluster Houses at Loftus Street, Bowral

REF: DCM

LUA06/0123

Reporting further on proposed 14 cluster houses at Lot 24 DP 713573 Loftus Street, Bowral.

OC 190/07

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

1. ***THAT this application be refused on the grounds of access to the site and traffic management/safety issues in the immediate area.***
2. ***THAT subject to legal advice Council also expresses its concern about the dissipation of water during heavy rain.***

PASSED

o-EP10 Proposed Retail / Commercial Building, Victoria Street, Bowral

REF: DEP

LUA06/0879

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

OC 191/07

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

THAT Council confirms the position reached at its meeting of 13 June 2007 to refuse LUA06/0879 on the grounds of excessive bulk, scale and height and incompatibility with the existing character of the locality.

PASSED

CHAIRPERSON

At 4.35pm being the conclusion of Open Council, the Mayor, Clr G Lewis, resumed the chair to conduct the remainder of Council business.



SUPPLEMENTARY REPORT

o-EP11 Release of Restriction on use of Land under Seal of Council

REF: PMM

LUA04/1127

Reporting on an urgent request by B Bilinsky & Co to have a Real Property Dealing – Release of Restriction on Use of Land – executed under the Common Seal of the Council.

Interest: Clr N N Campbell-Jones declared a pecuniary interest in this matter as his son is involved in the development. He left the chamber, took no part in the debate and refrained from voting thereon.

Interest: Clrs P George and M King declared a non-pecuniary interest in this matter as two of the companies involved in the development had made a donation to their team's election campaign in 2004. They remained in the chamber, took part in the debate and voted thereon.

MN 208/07

MOTION *moved by Clr J E Mauger and seconded by Clr S H Murray:*

THAT the matter be deferred for consideration to the next Ordinary Meeting of Council on Wednesday, 11 July 2007 AND THAT an Information Session be held as soon as possible to provide clarification for Councillors.

PASSED

CORPORATE SERVICES DIVISION

o-CS1	Renewal of Outdoor Dining Licence Agreement – The Grand Bar & Brasserie of Bowral
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REF:	PO	1707710, 5406/2
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Reporting on a request by John Griggs, Director of the Licensee - Zamofilm Pty Ltd, to review and renew the outdoor dining licence for the premises known as The Grand Bar and Brasserie of Bowral, situated at The Grand Arcade, Bong Bong Street, Bowral.

MN 209/07

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

- THAT this matter be deferred pending further discussions on the leasing of public land and the receipt of information from other Councils in relation to their policies on these matters.***
- THAT an Information Session be held on outdoor dining licences and the leasing of public land.***

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

- THAT Council raises no objection to the granting of a licence for a period of five (5) years from 22 September 2006 for the operation of an outdoor dining area on the section of extended footway adjoining the Grand Bar and Brasserie in Wingecarribee Street Bowral.***
- THAT rental in the first year be \$110.75 per sq metre in accordance with the fees included in Council's 2007/08 Revenue Policy AND THAT the fee increases annually in accordance with the Revenue Policy***
- THAT the Licence Agreement be executed under the Common Seal of Council.***

AMENDMENT LOST

MOTION PASSED

REPORT OF DIRECTOR CORPORATE SERVICES

o-CS2 Request to Execute Real Property Dealing – Cancellation or Extinguishment of Easement

REF: PO PN 257500

Reporting on a request by B Bilinsky & Co. to have a Real Property Dealing – Cancellation or Extinguishment of Easement – executed under the Common Seal of the Council.

MN 210/07

MOTION moved by Clr P J Yeo and seconded by Clr P A George:

THAT in relation to Lot 2 in Deposited Plan 621920 the Real Property dealing known as Cancellation or Extinguishment of Easement be executed under the Common Seal of the Council.

PASSED

o-CS3 Investments as at 31 May 2007

REF FSM 2104

Submitting details of Council's Investments as at 31 May 2007.

MN 211/07

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

THAT the information on Council's Investments as at 31 May 2007 be received and noted.

PASSED

TECHNICAL SERVICES DIVISION

o-TS1	Tree Issues at Mittagong Caravan Park
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REF: PPM, PO	7142
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The purpose of this report is for Council to consider the provision of funds to deal with ongoing tree maintenance issues at the Mittagong Caravan Park.

MN 212/07

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

1. **THAT** Council approves the funding request for \$25,000 for the 2007/2008 Budget **AND THAT** the funding for this work be allocated from the Mittagong Caravan Park Rental Income, held in the Property Development Reserve.
2. **THAT** Council seeks legal advice on renegotiating the lease before renewing another three (3) year option.

PASSED

COUNCIL MATTERS

GENERAL MANAGER'S REPORT

c-GM1 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.

MN 213/07

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

THAT the information relating to Local Government Weekly Circulars Nos 23/07, 24/07 and 25/07 and Council Weekly Circulars Nos 23/07, 24/07 and 25/07 be noted.

PASSED

QUESTIONS FROM THE PUBLIC

QUESTIONS FROM THE PUBLIC

1. COIN IN THE SLOT TROLLEYS / WOOLWORTHS LTD LUA07/0613

Mr Mac Cott referred to Aldi's policy of installing coin-in-the-slot shopping trolleys and stated that Woolworths are the only chain store not to have this system in place. He had asked this question prior to the Big W approval and would like to ask again tonight what Woolworths' policy was in relation to coin-in-the-slot trolleys

The Director Environment & Planning stated that he would take this matter up with Woolworths.

2. "SCOTTISH ARMS", BOARDMAN ROAD, BOWRAL LUA07/0568

Mr Mac Cott complimented the owners of the "Scottish Arms" bistro/tavern in Boardman Road, Bowral and asked if future "new village" developments such as Renwick will have similar premises.

The Mayor thanked Mr Cott for his comments and stated that the question of whether this type of establishment would be included in other village developments was something to consider for the future.

3. NEW RECYCLING ARRANGEMENTS 7520/5

Mr Charlie Johns referred to the new recycling arrangements proposed by Council and asked why a green waste collection for residential areas could not be introduced.

He asked if ratepayers would receive a benefit besides doing away with the duty of care risk in carrying the box out and has Council considered catching up with the majority of Councils by introducing a green waste and food waste collection.

The Director Technical Services stated that he would take these questions on notice.

QUESTIONS FROM THE PUBLIC

4. FOOTPATH FROM TOWN CENTRE TO HIGHLANDS MARKET PLACE 6690/10

Mr Charlie Johns (on behalf of Mittagong Regional Chamber of Commerce) referred to the above matter and asked when the public will see final designs and a commitment by Council for a starting date for this project?

The Director Technical Services responded that the design work on this section actually only began last month (the time when Council resolved to put the path on the northern side of the road). Council has preliminary plans of the road alignment and signalisation of Bessemer Street but it is not scheduled for construction until early to mid next year. However, he stated that the project is moving ahead and he would be happy to brief Mr Johns and provide plans.

5. DAMAGE TO PUBLIC PROPERTY 759, 753

Mr Charlie Johns (on behalf of Mittagong Regional Chamber of Commerce) stated that Church Lane was being used for the Mittagong Central construction site and trucks are now being driven on to Winifred West Park. With the wet weather it is being cut to pieces in one corner in relation to the Mittagong Central site and he asked if Council staff had taken action to stop this and have it repaired by the construction company?

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

6. HOLDEN DEALERSHIP SITE, MOSS VALE 5406/2, LUA06/0813

Mr Peter Falk asked if anyone was aware that the bookshop on this site was used as an old funeral home and mortuary. He asked if Council would issue a "stop work" order on the above site for the new Holden dealership until archaeological work had been carried out to remove the bodies of still born babies and body parts from the rear of the bookshop.

The Mayor stated that if there is a third party involved the matter would have to go to Court.

7. NATIVE SPECIES TREES ON PUBLIC LAND 6900, 7813/2

Mr Peter Falk asked if Council would consider only planting native trees on public land instead of imported exotic species which are considered to be weeds such as radiata pines.

The Mayor responded that Council would not consider this suggestion.

NOTICES OF MOTION

OTHER MATTERS

c-NM1	20/2007 – Notice of Motion - Third Flagpole
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REF:	MAS
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1826, 100/4, 1615

Clr LAC Whipper has given notice of his intention to move the following Notice of Motion of the Ordinary Meeting at Council on Wednesday 27 June 2007.

1. ***“THAT** Council installs a third flagpole at the front of the Civic Centre for the purposes of flying the Aboriginal Flag along with the Australian and Wingecarribee Shire Council Flags on a permanent basis.*
2. ***THAT** the official ceremony for the event coincides with the launch of NAIDOC Week on 9 July 2007”.*

MN 214/07

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

1. ***THAT*** Council installs a third flagpole at the front of the Civic Centre for the purposes of flying the Aboriginal Flag along with the Australian and Wingecarribee Shire Council Flags on a permanent basis and in accordance with correct flag protocol.
2. ***THAT*** the official ceremony for the event coincides with the launch of NAIDOC Week on 9 July 2007.
3. ***THAT*** funds for the establishment of the new flag pole and flags be provided from Council’s contingency fund

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 three (3) Committee meetings that will be tabled for information.

1. Companion Animals Advisory Committee meeting Tuesday 10 April 2007
2. East Bowral Community Centre Management Committee meeting Tuesday 22 May 2007
3. Tourism Southern Highlands Board meeting Monday 21 May 2007

MN 215/07

MOTION moved by Clr P A George and seconded by Clr LAC Whipper:

THAT the information contained in the three (3) Committee Reports be noted.

PASSED

COMMITTEE REPORTS ATTACHED

c-CR2	Minutes of the Traffic Committee
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REF.	DTS	107/6
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Submitting Minutes of the Traffic Committee meeting held on Monday, 18 June 2007.

The Mayor referred to Additional Item 2 on page 55 (Traffic Issues in Exeter Village) and the recommendation that a site inspection be carried out with a report back to the Traffic Committee. Mr Max Powditch, as President of the Exeter Village Association, has requested that he be present at this inspection and the Mayor stated that he had no objection to this request.

MN 216/07

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

THAT recommendation Nos. TC 64/07 to TC 76/07as detailed in the minutes of the Traffic Committee meeting held on Monday, 18 June 2007 be adopted.

PASSED

MATTER OF URGENCY

1. WINGECARRIBEE SHIRE COUNCIL ATS HANS – REFUSAL OF
SPRING WATER APPLICATION LUA05/1023, 502/55

Clr P Yeo requested that Item 15 of the Legal Committee minutes which had been discussed in the Legal Committee meeting this afternoon be considered as an additional item (GM-3) in Closed Council later in the meeting.

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

MN 217/07

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

THAT Council consider Wingecarribee Shire Council ats Hans – Refusal of Spring Water Application in Closed Council as a matter of urgency (Item 15 of the Legal Committee minutes).

PASSED

GENERAL BUSINESS

GENERAL BUSINESS

1. BODYCOTTS LANE, FITZROY FALLS RD1001, 7810/3

Clr J Mauger referred to the extremely bad condition of Bodycotts Lane in Fitzroy Falls and asked if remedial work could be carried out to improve it.

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

2. GREEN WASTE DISPOSAL 7503/21

Clr M King referred to the matter of green waste disposal which had been raised by the Deputy Mayor on a number of occasions. She stated that Shoalhaven Council has a mobile mulching service for green waste and asked if Council could investigate this.

The General Manager responded that a trial had been conducted but the costs were not competitive. However, it could be looked again to see if some cost savings could be identified.

The Director Technical Services stated that he would provide cost information in the Weekly Circular.

3. RID SQUAD 7500/17

Clr P George tabled a letter regarding the RID Squad received from Mr Philip Purnell of Balmoral Village and asked if details of Council's response could be provided in the Weekly Circular.

The General Manager confirmed that Council would be responding to this letter and information would be provided in the Weekly Circular.

4. PROPERTY COUNCIL LUNCH 7120

Clr P George stated that she had recently attended a lunch with Property Council which she had found very interesting and asked if Councillors would be interested in reading the briefing notes.

The Mayor stated that he believed Councillors would be interested in these notes and asked that they be provided for inclusion in the Weekly Circular.

GENERAL BUSINESS

5. ILLAWARRA INDUSTRIAL LAND TASK FORCE 5304

Clr N N Campbell-Jones asked if Council was represented on the Illawarra Industrial Land Task Force as it has been reasonably outspoken against the zoning of the land in Braemar Straight being changed to residential.

The General Manager advised that the Director Environment & Planning was a member of this task force.

The Director Environment & Planning stated that only one meeting had been held so far which he and the Economic Development Officer had attended. There could be a second meeting coming up but he was unsure about what say this task force have had in relation to Braemar. The task force has been set up by the Premiers Department for the Illawarra Region and there may have been discussions between the Department of Planning and the Premiers Department.

6. SKIN SHED PN1082900, 6535/11, 107/16

Clr N N Campbell-Jones asked for an update on where are we up to regarding the skin shed as Council is still paying money out every week to surround an ever decreasing pile of rubble which used to be the skin shed. He understood it was all going to be organised in no time at all.

The Director Technical Services stated that he would request information from the Parks & Property Branch to be included in the Weekly Circular.

7. COMPLAINT BY GRAHAM'S BLINDS 104/2

Clr P B Tuddenham stated that he had received a telephone call from Graham's Blinds making strong allegations against Council's process.

The Director Environment & Planning responded that the consent had been finalised and signed this afternoon but he would provide a more detailed explanation of the process in the Weekly Circular.

GENERAL BUSINESS

8. RID SQUAD

7500/17

Clr L A C Whipper referred to the letter received from Mr Purnell about the RID Squad which he felt was of great concern. He had previously raised a couple of issues regarding the dumping of glass at Medway and Sutton Forest and stated that often when Councillors asked questions they were advised that there is a process of investigation occurring. However, nothing happens and the community becomes frustrated at this inaction.

The Mayor stated that this matter would be investigated and an answer provided.

9. STATE OF ROADS IN THE SHIRE

7810/3

Clr L A C Whipper referred to the state of the roads in the shire and stated that he had received a number of telephone calls from people in Belmore Falls Road (near Wallaby Hill Road) because the road is quite impassable and very dangerous. Also, at the top end at the South Street/Belmore Falls Road intersection the whole road is eroding which could cause damage to cars. Clr Whipper stated that he has filled in an action request but is concerned that if someone sustains damage to life and/or property where would Council stand.

The General Manager responded that in this situation due diligence comes into play, provided Council can demonstrate that it has an inspection regime that looks at these scenarios. He added that the state of the roads had been the source of hundreds of complaints during the week. Council has 350 kms of unsealed road and there has now been a long period (5 or 6 years) without rain. A media release will be put out tomorrow pointing out to residents the problem Council faces with a shire the size of the Sydney Metropolitan Area. A system of prioritisation has been introduced for these complaints and Council will endeavour to assess them. However, people need to realise that this is the wettest June for 47 years and if they live on an unmade road they need to drive accordingly. Putting on extra grader crews will significantly impact on Council's work program.

The Director Technical Services stated that Council has had to put its construction works program on hold and is directing as many resources as possible into getting people in and out of their properties.

10. MITTAGONG AERODROME

7300/3

Clr J Clark asked when the associated landscaping outside the new hangars at Mittagong aerodrome would be completed as per the development approval.

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

GENERAL BUSINESS

11. LGA COUNCILLOR PROFESSIONAL DEVELOPMENT PROGRAM – “KNOW YOUR PLANNING LEGISLATION” 101/7

Clr J Clark requested Council approval to attend the Local Government Councillor Professional Development Program course “*Know your Planning Legislation*” which is to be held on 28 September 2007.

MN 218/07

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

THAT Clr J Clark be authorised to attend the Local Government Councillor Professional Development Program course “*Know your Planning Legislation*” on Friday, 28 September 2007.

PASSED

12. RATE RISE APPLICATIONS 2210

Clr P Yeo asked whether the Minister had handed down any decisions regarding applications for a rate rise.

The General Manager responded that we have been asking the Minister’s office for a likely outcome but have received no news as yet.

13. SPRING AT BESSEMER STREET/BOWRAL ROAD INTERSECTION 5458,
RD3118

Clr P Yeo asked when Council would begin addressing the problem of the spring at this intersection.

The Director Technical Services responded that the road is care-controlled and managed by the Roads & Traffic Authority and they are working with Council to ascertain the history and background in order to come up with a strategy for rectification.

Clr Yeo queried whether Council should ask that the RTA repair its road in our Shire as they are taking an inordinately long time to come up with a solution.

Clr N N Campbell-Jones asked if the RTA was now accepting full responsibility as the spring emanates from Council land.

The Director Technical Services responded that he was not in a position to comment on responsibility except to say that it is a road which is being maintained by the RTA and they are leading the charge to rectify the problem. The RTA’s media contact unit may be able to provide further comment on this matter.

GENERAL BUSINESS

14. CLOSURE OF MEDICARE OFFICE, BOWRAL

1805

The Mayor referred to reports he had received that people could not get into the Bowral Medicare office on Tuesday, 26 June 2007. There had apparently been a safety issue and there was concern for the staff and customers. However, the office had now been inspected and the all clear given.

15. STREET SWEEPING CONTRACT

7810/18

The Mayor advised that on Tuesday morning at 1.55am he received a phone call from Mr Robert Sadler of Holmhale Street, Bowral regarding the noise emanating from a street sweeper. On driving down to Holmhale Street at 2.05am the Mayor stated that he could also hear the noise of the street sweeper.

Mr Sadler also enquired about a leaf blower which was operating at 1.00am on Monday, 25 June 2007. He complimented Council staff and believed they did a good job but asked if Council could please address the noise problem.

The Director Technical Services responded that he would discuss the matter with the contractor.

CORPORATE SERVICES DIVISION

c-CS1	Closed Council
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REF.	DCS	107/9
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Clr Sara Murray retired from the meeting at 6.35pm.

To consider moving into Closed Council.

At this juncture, the time being 6.35pm, pursuant to section 10A(4), the Mayor offered the opportunity to members of the public to make representations to Council as to whether any items of the Closed Council should not be considered in Closed Council.

This information would, if disclosed, prejudice the maintenance of the law, AND THAT the press and public be excluded from Closed Council as it is the opinion of the General Manager that publication of the proceedings would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

No objections were received from the members of the public.

MN 219/07

MOTION moved by Clr LAC Whipper seconded by Clr P A George:

1. **THAT** Council move 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 PROPOSED PUBLIC PRIVATE PARTNERSHIP (PPP) – MOSS VALE CREMATORIUM / CEMETERY **2160/1**

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 Expressions of Interest for the Moss Vale Crematorium / Cemetery.

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.....

GM-2 2007 - 2010 COURIER CONTRACT TENDER

608/3, 6330/07.3

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

Submitting a report on tenders received for the provision of Council's Courier Service for a period of three (3) years.

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.

ADDITIONAL MATTER

GM-3 WINCECARRIBEE SHIRE COUNCIL ATS HANS - REFUSAL OF SPRING WATER EXTRACTION LUA05/1023, 502/55

Relevant Legal Provisions

This report is referred to Closed Committee under Clause 10A2(g) of the Local Government Act 1993 as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

Brief Description

Reporting on legal advice received by Council in relation to the Proposed Commercial Bulk Water Extraction, 'The Log Cabin', Sutton Forest.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

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

PASSED

GENERAL MANAGERS REPORT

GM-1	Proposed Public Private Partnership (PPP) – Moss Vale Crematorium / Cemetery
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REF.	DCS	2160/1
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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 Expressions of Interest for the Moss Vale Crematorium / Cemetery.

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 P J Yeo seconded by Clr LAC Whipper
RECOMMENDED:

- THAT Council confirms the Liverpool Presbyterian Cemetery Trust as the Preferred Partner for the proposed Public Private Partnership – Moss Vale Crematorium project.**
- THAT negotiations be commenced directly with the Preferred Partner to develop a Detailed Proposal for the PPP project.**
- THAT Council confirms the membership of the Public Private Partnership Review (Sunset Committee) as follows:-**
 - Councillors (Clrs M Murray, P B Tuddenham and P Yeo)**
 - General Manager**
 - Director Corporate Services**
- THAT a community consultation program be undertaken before more detailed negotiations commence.**

PASSED

GM-2 2007 - 2010 Courier Contract Tender

REF. DCS

608/3, 6330/07.3

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

Submitting a report on tenders received for the provision of Council's Courier Service for a period of three (3) years.

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 N N Campbell-Jones seconded by Cllr M L King
RECOMMENDED

1. **THAT the contract for courier service for the Wingecarribee Shire Council be offered to "R L Clark" for a period of three years.**
2. **THAT a Deed of Agreement between the Wingecarribee Shire Council and the successful contractor be executed under the Common Seal of the Council subject to verification of the necessary insurance requirements and licenses.**

PASSED

ADDITIONAL MATTER

GM-3 Wingecarribee Shire Council ats Hans – Refusal of Spring Water Extraction

REF.	DEP	502/55
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The following matter was referred to Council from the Legal Committee meeting held today.

Relevant Legal Provisions

This report is referred to Closed Committee under Clause 10A2(g) of the Local Government Act 1993 as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

Brief Description

Reporting on legal advice received by Council in relation to the Proposed Commercial Bulk Water Extraction, 'The Log Cabin', Sutton Forest.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

The Committee on a MOTION moved by Clr N N Campbell-Jones seconded by Clr P B Tuddenham **RECOMMENDED:**

1. **THAT the recommendation of Council at the Ordinary Meeting on Wednesday, 14 March 2007 be overturned in that:**

“THAT the application be refused based on the fact that Council sees some contradictions in terms of the change of use, incremental impacts on groundwater reserves and impacts on the environment in general”.

2. **THAT the recommendation as presented for approval of LUA05/1023 be supported subject to the Conditions of Consent attached to that report.**

PASSED

CLOSED COUNCIL

OPEN COUNCIL

MN 220/07

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

THAT Council moves back into Open Council.

PASSED

ADOPTION OF CLOSED COUNCIL

MN 221/07

107/9

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

THAT the recommendations of the Closed Council held on Wednesday, 27 June 2007 GM - 1 to GM – 2 and Additional Matter GM-3 inclusive, be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

MN 222/07

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, 27 June 2007 being OC 174/07 to OC 191/07, be adopted.

PASSED

ADDITIONAL MATTER

MATTER OF URGENCY

LOCAL GOVERNMENT NATIONAL GENERAL ASSEMBLY IN DARWIN

203/4

Clr N N Campbell-Jones stated that he was unable to attend the Local Government National General Assembly to be held in Darwin from 26 to 29 November 2007. He asked that Clr P George attend in his place and that this be considered a matter of urgency.

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

MN 223/07

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

THAT as a matter of urgency Clr P George be authorised to attend the Local Government National General Assembly to be held in Darwin from 26 to 29 November 2007.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 27 June 2007



THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.50PM.

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 27 June 2007 numbered MN 204/07 to MN 223/07, were signed by me hereunder at the Council Meeting held on Wednesday, 11 July 2007.

CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 11 JULY 2007

CHAIRMAN

PUBLIC OFFICER



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 27 June 2007

