

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/07



held on Wednesday, 8 August 2007

The meeting commenced at 3.04pm.

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COMMENCING AT: 3.04PM

PRESENT: Clr N N Campbell-Jones (Deputy Mayor) in the Chair
Clr J R Clark, Clr T D Gair, Clr P A George, Clr M L King,
Clr J E Mauger, Clr M J Murray, Clr S H Murray (4.18pm),
Clr P B Tuddenham 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 Reverend Steve Roberts of Bowral Anglican Church.

PUBLIC FORUM ADDRESSES

Mr Nigel Smith of Woolworths Ltd requested and was granted permission to address Council on the following item in the agenda:

o-EP2 Proposed Conversion of Supermarket into Dan Murphy's and two (2) Retail Spaces

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

APOLOGY

PERS

MN 242/07

MOTION moved by Clr J E Mauger and seconded by Clr T D Gair:

THAT the apologies of Clr G Lewis 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, 25 JULY 2007

100/1

MN 243/07

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 25 July 2007 MN 231/07 to MN 241/07 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

BUSINESS ARISING

1. STREET BEAUTIFICATION

7325

Clr T D Gair referred to Item 2 of General Business on page 16 in which Clr M King had asked for a costing on planter boxes in the towns and villages and advised that Moss Vale Master Plan Committee had already decided they do not want them. He asked what sort of time frame was involved in preparing a costing etc. and whether there was another way to approach this rather than undertake a costing for the entire shire.

Clr M King responded that she had been approached by quite a few people across the community who would like to see this happen to beautify the shire and she thought it was time to obtain a costing – village by village, town by town.

Clr N N Campbell-Jones stated that a report had been requested and if Clr King wished to pursue the matter further she should submit a Notice of Motion to the next Ordinary Meeting of Council.

2. MATTERS OF URGENCY

Clr P Yeo referred to Item 10 on page 19 of the minutes and stated that he believed Council needed to look at the process for raising Matters of Urgency very closely. In the Code of Meeting Practice adopted on 9th March 2005 it is possible that if matters are not on the agenda *“the business proposed to be brought forward is ruled by the Chairperson to be of great urgency”*. Clr Yeo stated that the term *“great urgency”* should be used in future.

The Code of Meeting Practice also states *“A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with the Council’s Code of Meeting Practice. (s.372 LGA)”*.

He stated that he was not present at the last meeting there is no indication in the minutes as to what the argument was and why it should be treated as a matter of urgency.

Clr Yeo gave notice that at the next meeting he will move a Notice of Motion which might clarify Council’s Code of Meeting Practice to make it easier to rule on matters of great urgency. He believed that a matter of great urgency is something where it is absolutely imperative for Council to make a decision before the next Council meeting otherwise a Notice of Motion must be used to enable a full debate to take place.

3. PRESS ARTICLE RE LOCAL DEVELOPMENT PERFORMANCE MONITORING 5606

Clr M Murray referred to Item 3 on page 16 where he had requested some information that was going to be included in the Weekly Circular. This had not happened and he asked when this information would be provided.

The Director Environment & Planning advised that he was currently in the process of reviewing the legal matters and this information could be provided in the Weekly Circular either this week or next week.

DECLARATIONS OF INTEREST

101/3

-
1. Clr N N Campbell-Jones declared a pecuniary interest in Item 1 (Foldgarth Estate – Release of Restriction on Land) in the Legal Committee minutes 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.
 2. Clrs P A George, M King and M Murray declared a non-pecuniary interest in Item 1 (Foldgarth Estate – Release of Restriction on Land) in the Legal Committee minutes 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.

OPEN COUNCIL

MN 244/07

107/10

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

THAT Council move into Open Council to discuss various matters listed in the Agenda with *Clr T D Gair* in the Chair.

PASSED

MAYORAL MINUTE

MAYORAL MINUTE

c-MM1 Fitz Roy Ironworks

REF. MAYOR 5650, 5651, LUA04/1134 (cc 102/5)

Recognising the work done by Conservation Volunteers Australia, along with historians Leah Day and Tim McCartney in conjunction with the Fitz Roy Ironworks.

OC 227/07

*The Committee on a MOTION moved by Clr N N Campbell-Jones and seconded by Clr P A George **RECOMMENDED:***

1. ***THAT*** Wingecarribee Shire Council thank Conservation Volunteers Australia and Boral for their good work on not only this project around the Fitz Roy Ironworks cairn, but other environmental work done in conjunction with our Council staff at other sites in the shire.
2. ***THAT*** Council formally recognise, in the form of a letter from the Mayor, the outstanding work done by historians Leah Day and Tim McCartney in documenting the history of the Fitz Roy Ironworks as well as working so closely with the developers of the Mittagong Marketplace to ensure an important part of the Shire's history was preserved so well.

PASSED

VISITOR ITEMS

ENVIRONMENT & PLANNING DIVISION

v-EP1 Fee Structure for On Site Sewerage Management program (OSSM)

REF: EHM

5405

A number of reports have been considered concerning fees and charges relating to the Council endorsed On Site Sewerage Management inspection and approvals program. Subsequent to Council's resolution in the Ordinary Council meeting of 13 June, a revised fee structure is presented in this report.

The Environment & Health Manager, Andrew de Montemas, addressed Council on this matter.

OC 228/07

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

1. **THAT Council endorses the revised fee structure for the on-site sewerage management program as detailed in the report AND THAT it be placed on public exhibition for a period of twenty eight (28) days seeking community submissions.**
2. **THAT at the close of the exhibition period the fee structure and any submissions be referred back to Council for final endorsement.**

PASSED

v-EP2 Development Application for the "White Horse Inn", Market Place, Berrima

REF: LP

LUA04/1755

Reporting on a development application for the "White Horse Inn", Market Place, Berrima.

The Director Environment & Planning, Scott Lee, addressed Council on this matter.

OC 229/07

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

1. ***THAT the Heritage Council be advised that Council supports, in principle, the proposed development on the basis that the development is currently a permissible land use and the development application is accompanied by information to demonstrate that the development will result in the conservation of a significant Heritage Item, namely the "White Horse Inn".***
2. ***THAT the Heritage Council be requested to provide Council with General Terms of Approval and advice as to whether the Heritage Council will grant approval under Section 63 of the Heritage Act or, in the alternative, provide Council with the reasons for any refusal to grant that approval.***
3. ***THAT, upon receipt of advice from the Heritage Council, a further report be submitted to Council and, if necessary, that this contain a detailed assessment of the proposed development as well as draft conditions which should include the following:***
 - a) ***The works necessary for the conservation of the "White Horse Inn" must be undertaken in accordance with the Conservation Management Plan (with any modifications) prior to the commencement of the remainder of the development.***
 - b) ***A detailed plan of management for the strata subdivision must be put in place to address the limited stay use of accommodation and the shared use of facilities, and must link the management of the accommodation with the management of the "White Horse Inn".***
 - c) ***The development must be used only for limited stay holiday accommodation and a restriction as to user must be imposed on each strata lot:***
 - (i) ***to prevent the use of the accommodation for permanent residency; and***
 - (ii) ***to limit the length of stay by the owner or any paying guest to a maximum of 28 days for any single stay, and to no more than two (2) times per year by the owner or the same paying guest.***

PASSED

Dissenting Votes: Clrs J Mauger and J Clark requested that their dissenting votes be recorded in respect of this motion.

OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

o-EP1 Proposed Release of Restriction as to User, Garvan Institute

REF: GH

LUA06/1173

Reporting on proposed release of restriction regarding vehicular access Lot 10 DP 1084421 Lackey Road, Moss Vale, Garvan Institute.

OC 230/07

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

1. **THAT in relation to Lot 10, DP1084421, Lackey Road, Moss Vale, the Mayor and General Manager be granted authority to execute release of the land from terms of Restriction as to User under the Common Seal of Council.**
2. **THAT all costs relating to this matter be paid by the applicant.**

PASSED

o-EP2 Proposed Conversion of Supermarket into Dan Murphy's and two (2) Retail Spaces

REF: GH

LUA07/0609

Reporting on Development Application for conversion of Woolworths Supermarket into Dan Murphy's and two (2) additional Retail Spaces. Mittagong Shopping Village 126-130 Main Street, Mittagong.

Clr S Murray joined the meeting at 4.18pm.

OC 231/07

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

THAT the Director Environment & Planning be authorised to issue development consent to LUA07/0609 in accordance with the draft conditions of consent Attachment 3 to the report subject to the following traffic arrangements being met AND THAT the following recommendations be reviewed by the Traffic Committee:

- (i) that there be no right turn into the site from Bowral Road and no right turn from the site onto Bowral Road***
- (ii) that the site can be entered and exited from Pioneer Street***
- (iii) that the site can be entered from Bowral Road (left hand only)***
- (iv) that a slip lane be created on Bowral Road to facilitate the right hand turn into Pioneer Street***
- (v) that all signage for the "Mittagong Village Centre" be no higher than 4.5 metres.***
- (vi) that trolleys be subject to review after a period of twelve (12) months.***

PASSED

CORPORATE SERVICES DIVISION

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| o-CS1 | Department of Local Government Circular re Constitutional Referendums |
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| REF. | MAS | 202/2007, 105 |
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To consider advice from the Department of Local Government regarding constitutional referendums.

OC 232/07

The Committee on a MOTION moved by Clr P J Yeo and seconded by Clr S H Murray
RECOMMENDED:

THAT the recommendation items be discussed in seriatim.

PASSED

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

1. **THAT** Council notes its decision of Wednesday, 9 November 2006 to conduct a constitutional referendum at the next Ordinary election to be held in September 2008 to divide the Shire into wards.

On being put to the meeting voting was tied at five (5) all on the motion and the matter was therefore deferred for determination until the Deputy Mayor resumed the chair (refer to MN 245/07 on page 13).

OC 233/07

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

2. **THAT** Council notes its decision of Wednesday, 24 May 2006 which was subsequently approved by the Minister for Local Government for nine (9) Councillors to be elected at the Ordinary election to be held in September 2008.

PASSED

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Cont'd.....

OC 234/07

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

- 3. THAT Council not hold a constitutional referendum to alter the methodology to elect the Mayor and confirm that it be undertaken by vote among the Councillors.**

PASSED

OC 235/07

The Committee on a MOTION moved by Clr P J Yeo and seconded by Clr S H Murray **RECOMMENDED**:

- 4. THAT Council includes an additional question in the proposed referendum (2008) to consider Method 2 for election of Councillors under a ward system, namely two (2) Councillors to be elected for each of three (3) wards and three (3) Councillors to be elected for the whole of the Shire.**

PASSED

OC 236/07

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

- 5. THAT the NSW Electoral Commission be advised of Council's determination.**

PASSED

CHAIRPERSON

At 4.56pm being the conclusion of Open Council, the Deputy Mayor, Clr N N Campbell-Jones, resumed the chair to conduct the remainder of Council business.

o-CS1 Department of Local Government Circular re Constitutional Referendums

REF. MAS 202/2007, 105

This matter was resubmitted from Open Council as voting on the matter was tied at five (5) all (refer page 11).

MN 245/07

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

- THAT Council notes its decision of Wednesday, 9 November 2006 to conduct a constitutional referendum at the next Ordinary election to be held in September 2008 to divide the Shire into wards.***

On being put to the meeting voting was tied at five (5) all whereupon the Deputy Mayor exercised his casting vote in favour of the Motion.

PASSED

VOTING ON THE MOTION:

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

Voting against the Motion: Clrs Yeo, Clark, S Murray, Tuddenham & Gair

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| o-CS2 | 2006/2007 Works in Progress Revotes |
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| REF. | FSM | 2120/2007 |
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Submitting details on the 2006/2007 works in progress or committed funds revoted to the 2007/2008 financial year.

MN 246/07

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

1. ***THAT*** the 2006/07 Budget revotes as listed on Attachment 1 be carried over and re-voted to 2007/08.
2. ***THAT*** Council fund the additional cost of \$208,000 for the Lake Alexandra development from the savings in the IRS program, not from the capital projects reserve as previously determined.
3. ***THAT*** in Item No. 21 General Fund on page 39 "Youth Voice" be changed to "Youth Council".

PASSED

TECHNICAL SERVICES DIVISION

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| o-TS1 | Temporary Path - Southern Side of Old Hume Highway, Mittagong |
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| REF. | DTS | 7810/5, RD1427, LUA07/0555 |
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Reporting on a request from Councillors to construct a temporary path on the southern side of the Old Hume Highway between Pioneer Street and the Highlands Marketplace.

MN 247/07

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

1. **THAT** Council utilises the contribution from the Dan Murphy's Land Use Application and savings from the 2006/07 Infrastructure Repair Program to construct a temporary path on the southern side of the Old Hume Highway between Pioneer Street and Highlands Market Place with a temporary pedestrian refuge opposite the "Highlands Garages" site to address safety concerns for pedestrians **AND THAT** the path be constructed as a matter of urgency.
2. **THAT** Council reconfirms its commitment to the permanent footpath on the northern side of the road and the completion of this project as soon as possible **AND THAT** lighting be improved along the length of the footpath as Council's budget permits.

PASSED

REPORT OF DIRECTOR TECHNICAL SERVICES

o-TS2 Condition of Eucalyptus Trees at Civic Centre, Moss Vale

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| REF. | PPM | 7100, 7813/3 |
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The purpose of this report is for Council to be advised on the reason for tree failure and to adopt a replacement strategy.

MN 248/07

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

1. **THAT** the two *Eucalyptus pauciflora* identified in the report be removed;
2. **THAT** advanced *Eucalyptus pauciflora* be planted in the location adjacent to the site where the trees were removed.

PASSED

o-TS3 David Wood Playing Fields East Bowral

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| REF. | PPM | 6535/10 |
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The purpose of this report is for Council to consider future infrastructure at the David Wood Playing Field including multi purpose slabs and canteen.

MN 249/07

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

THAT this matter be deferred for consideration to the next Ordinary Meeting of Council to be held on Wednesday, 22 August 2007.

PASSED



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| o-TS4 | Asset Management Policy |
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| REF. | DTS, RMC | 508/1 |
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Reporting on a proposal to adopt an Asset Management Policy for Wingecarribee Shire Council.

MN 250/07

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

THAT Council adopts the Asset Management Policy as per Attachment 1 of the report.

PASSED

COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 General Manager's Quarterly Report

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| REF. | GM | 506/1 |
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Submitting the General Manager's Quarterly Report to 30 June 2007.

MN 251/07

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

THAT the information in respect of the General Manager's Quarterly Report to 30 June 2007 be received and noted.

PASSED

c-GM2 Weekly Circulars

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| 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 252/07

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

THAT the information relating to Local Government Weekly Circulars Nos 30/07 and 31/07 and Council Weekly Circulars Nos 30/07 and 31/07 be noted.

PASSED

NOTICES OF MOTION

OTHER MATTERS

NOTICE OF MOTION

c-NRM1 21/2007 – Notice of Motion of Rescission - Plan of Management - Bowral Country Golf Club

REF: MAS 100/5, 6612/1, PN215900

Reference – Ordinary meeting of Council Wednesday 25 July 2007 – Matter of Urgency – MN 235/07

Council has received the following Notice of Motion of Rescission:

"We hereby give notice of our intention to move at the next meeting of the Council that the following motion passed at the Ordinary Meeting of Council held on 25 July 2007 **be rescinded**:

1. ***THAT** Council commences the preparations and exhibition of a plan of management for the land currently leased by the Bowral Country Golf Club.*
2. ***THAT** the Plan of Management maintains the use of the land as a golf course.*
3. ***THAT** during the public consultation process any publicity documentation includes advice to the community that they are free to offer alternative uses for the land.*

Signed: Clrs P Yeo, Clr J Clark and J Mauger

The Chair (Deputy Mayor), Clr N N Campbell-Jones, called Clr J Mauger to order for what he believed was discussion of a confidential matter.

MN 253/07

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

THAT the Notice of Motion of Rescission be withdrawn.

PASSED

.....Cont'd

NOTICES OF MOTION

Cont'd.....

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SUPPLEMENTARY MOTION moved by Cllr T D Gair and seconded by Cllr S H Murray

1. THAT the General Manager requests the New South Wales Ombudsman to conduct an independent review of Council processes in determining the position it is now in regarding the Bowral Country Golf Club.
2. THAT the report be tabled within one (1) month of receipt at an Ordinary Meeting of Council.

LOST

This matter was recommitted later in the meeting (refer MN 255/07 on page 25).



COMMITTEE REPORTS TABLED

| | |
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| 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.

MN 254/07

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

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

PASSED



QUESTIONS FROM THE PUBLIC

1. HILL TOP WAR MEMORIALS

7211

Mr Ian Woolfe, representing the Friends of the Hill Top War Memorials, reported that “the Friends” have been quite active and are now enquiring as to when the Lease Agreement (as per Council Resolution to lease the hall last December) will be ready for completion and what is required to be fulfilled before this can be completed.

Mr Woolfe asked if another public meeting needed to be held as this was not in the original plan. The Committee is celebrating 60 years of the hall’s construction on 13 October 2007 and he felt it would be ideal to have the matter finalised before then.

The General Manager stated that in the interim, until the hall is re-categorised, Council wants to have an arrangement in place where they have “virtual” but not “full” ownership and to do this a Plan of Management is required. It was his understanding that this Plan of Management is now close to being finalised and he assumed that the public meeting is to do with the finalisation of the Plan of Management. He stated that he would ask the Parks & Property Manager to contact the President of the committee on this matter.

2. PLANTER BOXES

1602/10

Mr Charlie Johns on behalf of Mittagong Regional Chamber of Commerce referred to the matter of planter boxes. Streetscaping is very important to the township and they are currently seeking funding for seating, bins, entrance gardens and signs and banners for their 24 empty poles. Planter boxes would be their last need.

He asked that if before wasting time and money on costings for planter boxes, Council would ask the chambers and/or master plan committees what their preferences were for funding to be spent on their townships.

3. ELECTION ADVERTISING

105

Mr Charlie Johns on behalf of the Mittagong Regional Chamber of Commerce stated that he had previously asked questions about election advertising and that people were not happy with the answer given. The Chamber has received a number of requests regarding what is being done about the “lemma” photos on telegraph poles outside the Highlands Market Place and on the highway at Yerrinbool. There were also Labor “Rob Parker” signs in the same places and outside Mittagong primary and pre schools.

Mr Johns asked if Council, the Greens or the Labor Party could force the removal of this visual pollution that will be very confusing come Federal Election time.



4. UPPER NEPEAN REFERENCE GROUP

5459/7

Mr Terry Oakes-Ash of the Southern Highland Business Chamber stated that he understood Clr L A C Whipper was a member of the Upper Nepean Reference Group. He asked if at the meetings he attends Clr Whipper reflects the views of this Council or his own. Are statements made to the press his own or do they reflect the views of Council?

Mr Oakes-Ash stated that he thought Clr Whipper was in support of no pumping of the Kangaloon Aquifer and not supporting the actions of the Reference Group or the Sydney Catchment Authority.

The Deputy Mayor stated that this question would be taken on notice.

5. REMEDIAL WORK IN CORBETT PLAZA

7840/1

Mr Terry Oakes-Ash of the Southern Highland Business Chamber referred to the proposed remedial work in Corbett Plaza and asked if Council would take into account the views of the community, including the Bowral Chamber of Commerce, that some form of “Mary Poppins” design or display be incorporated into the proposed works now or later.

The General Manager responded that there is no intention to address the sort of works mentioned by Mr Oakes-Ash. This would all be part of an extended community consultation process when Council had some identified funds in the foreseeable future.

6. WINGECARRIBEE STREET

7813, RD1632

Mrs Pam Cooper referred to the paving of Wingecarribee Street which she believed looked good but stated she had concerns over the proposed watering of the five (5) mature trees sealed in by a seemingly impervious mix. She asked if any information was available on this.

Mrs Cooper also stated that on the other side of the road the Coles car park is hedged by attached (not pruned) photinia which is looking very neglected and in dire need of care. She asked if this could be rectified before Tulip Time to complement the attractive paving opposite.

The Director Technical Services stated that he would investigate these two matters.

QUESTIONS FROM THE PUBLIC

7. WARD REFERENDUM

106

Mrs Jan Hainke referred to the ward referendum and asked if the ward system (pros and cons) would be explained fully and simply in *Wingecarribee Today* so that it reaches all households as many households do not read the local paper or listen to local radio.

The Deputy Mayor responded that he believed the ward system would be explained fully and that a public meeting would also be held.

8. ABORIGINAL HERITAGE CONSULTANT

1826

Mr Peter Falk referred to Item 16 on page 38 of the business paper (o-CS2 Works in Progress Revotes) and asked who was the aboriginal heritage consultant for this project.

The Director Environment & Planning responded that Council has not yet commissioned a consultant.

9. NORLEX HOLDINGS BUNDANOON – WATER EXTRACTION

LUA00/1407

Mr Peter Falk referred to the above matter and asked if Council could impose a 10-tonne load limit on the road to the national park to prevent any water extraction by Norlex Holdings taking place.

The Director Technical Services responded that the road rules in regard to load limits are that if there is no alternative route, a truck is able to travel to and from its destination regardless of the load limit.

NOTICE OF MOTION

c-NRM1 21/2007 – Notice of Motion of Rescission - Plan of Management - Bowral Country Golf Club

REF: MAS

100/5, 6612/1, PN215900

Clr J Clark referred to Clr T D Gair's supplementary motion on page 20 which had been lost and stated that the voting had not been recorded. He asked that this matter be recommitted.

MN 255/07

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

THAT c-NRM1 21/2007 – Notice of Motion of Rescission – Plan of Management – Bowral Country Golf Club be recommitted for consideration.

PASSED

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SUPPLEMENTARY MOTION moved by Clr T D Gair and seconded by Clr S H Murray

1. **THAT** the General Manager requests the New South Wales Ombudsman to conduct an independent review of Council processes in determining the position it is now in regarding the Bowral Country Golf Club.
2. **THAT** the report be tabled within one (1) month of receipt at an Ordinary Meeting of Council.

On being put to the meeting voting was tied at five (5) all whereupon the Deputy Mayor exercised his casting vote against the Motion.

LOST

VOTING ON THE MOTION

Voting for the Motion: Ctrs Gair, S Murray, J Mauger, J Clark and P Yeo

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

COMMITTEE REPORTS

COMMITTEE REPORTS ATTACHED

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| c-CR2 | LEP Steering Committee |
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| REF. | DEP | 5900/1 |
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Submitting Minutes of the LEP Steering Committee meeting held Wednesday, 18 July 2007.

MN 256/07

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

THAT the recommendations as detailed in the minutes of the LEP Steering Committee meeting held Wednesday, 18 July 2007 be adopted.

PASSED

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| c-CR3 | Bowral Sub-Regional Centre Master Plan Committee |
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| REF | GM | 1603/30 |
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Submitting minutes of the Bowral Sub-Regional Centre Master Plan Committee Meeting held on Monday, 9 July 2007.

MN 257/07

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

THAT the recommendations as detailed in the minutes of the Bowral Sub-Regional Centre Master Plan Committee Meeting held on Monday, 9 July 2007 be adopted.

PASSED

COMMITTEE REPORTS

c-CR4 Works & Planning Committee

REF GM 107/23

Submitting minutes of the Works & Planning Committee meeting held Wednesday, 1 August 2007.

MN 258/07

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

THAT recommendation Nos WP 55/07 to WP 59/07 as detailed in the minutes of the Works & Planning Committee meeting held Wednesday, 1 August 2007 be adopted.

PASSED

c-CR5 Legal Committee

REF DEP PN1104400, 502/54, 107/22

Submitting minutes of the Legal Committee Meeting held on Wednesday, 25 July 2007.

The Director Environment & Planning asked for it to be noted in the minutes that Les Pawlack, Manager Development Control who was in attendance at this meeting, had declared a non-pecuniary interest in Item 8 on page 83 due to his previous commercial dealings in acting on behalf of the applicant. He had left the room while this matter was being considered.

Clr N N Campbell-Jones asked for it to be noted that it is recorded in the minutes that he declared a non-pecuniary interest in Item 1 (Foldgarth Estate: Release of Restriction on Land) on page 81 when in fact he had declared a pecuniary interest. He asked for the minutes to be noted accordingly.

Clr M Murray referred to the recommendations for Item 1 (Foldgarth Estate: Release of Restriction on Land) on page 81 and stated that some articles were appearing in the press which needed clarification.

MN 259/07

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

THAT the recommendations as detailed in the minutes of the Legal Committee Meeting held on Wednesday, 25 July 2007 be adopted with the exception of item 1 Foldgarth Estate – Release of Restriction on Land.

PASSED

.....Cont'd



Cont'd.....

1. FOLDGARTH ESTATE – RELEASE OF RESTRICTION ON LAND LUA04/1127

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

Clr T D Gair assumed the Chair while this matter was considered.

Interest: Clrs P A George, M King and M Murray 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 stated they would remain in the chamber, take part in the debate and vote thereon.

MN 260/07

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

1. ***THAT on the material presented to it today, this Committee is satisfied that no unauthorised building or construction work has been carried out on that part of the land described as ('Q' DP1102306) in the subdivision, previously known as 'R' DP870788.***
2. ***THAT Council officers investigate if the allegations of fill and the dam on the property are in accordance with approvals.***

PASSED

Clr N N Cambell-Jones resumed the chair for the remainder of the meeting.

COMMITTEE REPORTS

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| c-CR6 | Arts & Culture Board |
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| REF | SPM | 1660/1 |
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Submitting minutes of the Arts & Culture Board meeting held on Monday, 25 June 2007.

MN 261/07

MOTION moved by Clr P B Tuddenham and seconded by Clr P J Yeo

THAT the recommendations as detailed in the minutes of the Arts & Culture Board meeting held on Monday, 25 June 2007 be adopted.

PASSED

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| c-CR7 | Environment Committee |
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| REF | PPM | 107/25, 5465/29.01 |
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Submitting minutes of the Environment Committee Meeting held on Wednesday, 18 July 2007.

MN 262/07

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

THAT the recommendations as detailed in the minutes of the Environment Committee Meeting held on Wednesday, 18 July 2007 be adopted.

PASSED



ADDITIONAL MINUTES

The following minutes were included in the agenda but there was no précis for them in the table of contents.

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| c-CR8 | Mittagong Master Plan Committee |
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| REF. | DTS | 1603/31 |
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Submitting Minutes of the Mittagong Master Plan Committee meeting held Tuesday, 27 March 2007.

Clr P George asked for it to be noted that Clr N N Campbell-Jones was a visitor only at this meeting and is not a member of the Mittagong Master Plan Committee.

The Director Technical Services advised that the minutes could not be adopted at the time as there was not a quorum. They had to be reported to a subsequent meeting of the Mittagong Master Plan Committee.

MN 263/07

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

THAT the matters discussed at the Mittagong Master Plan Committee meeting held Tuesday, 27 March 2007 be noted.

PASSED

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| c-CR9 | Mittagong Master Plan Committee |
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| REF. | DTS | 1603/31 |
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Submitting Minutes of the Mittagong Master Plan Committee meeting held Tuesday, 10 July 2007.

MN 264/07

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

THAT the recommendations as detailed in the minutes of the Mittagong Master Plan Committee meeting held Tuesday, 10 July 2007 be adopted.

PASSED

CORPORATE SERVICES DIVISION

| | | |
|--------------|-----------------------|-------|
| c-CS1 | Closed Council | |
| REF. | DCS | 107/9 |

To consider moving into Closed Council.

At this juncture, the time being 6.32pm, 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 265/07

MOTION moved by Clr P J Yeo and seconded by Clr P B Tuddenham:

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 PROPOSAL TO LEASE – PART LOT 1 DEPOSITED PLAN 26366 OLD HUME HIGHWAY, MITTAGONG PN 172500, 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 lease part of Council owned land at the rear of 197 Old Hume Highway, Mittagong.

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.

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

PASSED

GENERAL BUSINESS

1. EXETER PARK MANAGEMENT PLAN 6536/1

Clr M Murray asked for information on the status of the Exeter Park Management Plan.

The Director Technical Services responded that the master plan is complete in readiness for meeting with the groups and a meeting has been held with the stakeholders including the 355 Committee on the amenities building.

Clr Murray asked when the meeting with the 355 Committee was held as at last Monday's meeting members were unaware that a meeting being held.

The Director Technical Services stated that he would investigate and advise Clr Murray. However, the meeting with the consultant will be held in the next two weeks. The concept and location for the amenities has been prepared and once all groups have reviewed and signed off, detailed design will commence.

2. FOOTPATH IN MITTAGONG 7810/5

Clr P George stated that she had received a fax from a Mr John Stephenson regarding the footpath in Mittagong and asked if Council has responded to this correspondence.

The Director Technical Services advised that he has been in contact with Mr Stephenson. They have worked through each of the issues and he will provide a formal written response to Mr Stephenson.

3. VANDALISM IN MOSS VALE AND MITTAGONG 7860/1

Clr P George referred to the vandalism in the form of graffiti at the entrance to Moss Vale near the Council Depot which has blue graffiti all over it. There is also graffiti on the information bay at the entrance to Mittagong. She asked if this graffiti could be cleaned off as soon as possible.

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

4. SHOPPING TROLLEYS 5501/6

Clr P B Tuddenham referred to the trolley situation and stated that the numbers are increasing particularly at the back of Mittagong car park in Station Street and in Regent Street. He asked if something could be done about this problem.

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

5. INDIGO CREEK, EXETER

5457/16

Clr J Clark asked where Council was in progressing access to Indigo Creek for “Friends of Indigo Creek” off School Lane at Exeter. He asked if any adjoining residents have accepted a lease over the right of way and if those leases are not taken up is there any other way of providing access.

6. SANDSTONE WALL, BUNDANOON

5602/2.1

Clr J Clark referred to the sandstone wall in the vicinity of the newsagents in Bundanoon where some of the capping has been removed. He asked if this could be repaired as soon as possible.

7. TELSTRA TOWER ON BONG BONG RACECOURSE

LUA07/0569

Clr N N Campbell-Jones referred to the Telstra tower on Bong Bong Racecourse and the fact that Council is going to be addressed by Telstra in the next few days. Council had requested a cherry picker for this and he asked if one had been arranged.

The Director Environment & Planning responded that the Information Session is on 15 August and a cherry picker has been booked for 18 August.

8. TRUCK PARKING

7301

Clr N N Campbell-Jones referred to the ongoing problem with truck parking which was getting worse on a daily basis and asked if Council was taking photos on weekends.

The Director Environment & Planning responded stated that the Rangers were aware of this issue and the priority it has in their workload but taking photographs would not stop people parking their trucks.

Clr Campbell-Jones asked the General Manager to take this matter on board.

GENERAL MANAGERS REPORT

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|-------------|---|
| GM-1 | Proposal to Lease – Part Lot 1 Deposited Plan 26366 Old Hume Highway Mittagong |
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|----------|-----------|
| REF: DCS | 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 lease part of Council owned land at the rear of 197 Old Hume Highway, Mittagong.

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 M J Murray seconded by Clr P A George
RECOMMENDED:

THAT the decision in relation to the future leasing of part Lot 1 DP26366, Mittagong be deferred until the reclassification and rezoning of the land.

PASSED

OPEN COUNCIL

MN 266/07

MOTION moved by Clr M L King and seconded by Clr M J Murray:

THAT Council moves back into Open Council.

PASSED

No members of the public were present in the Chamber.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 8 August 2007



ADOPTION OF CLOSED COUNCIL

MN 267/07

107/9

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

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

PASSED

ADOPTION OF OPEN COUNCIL

MN 268/07

107/10

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

THAT the recommendations of the Open Council held on Wednesday, being OC 227/07 to OC 236/07, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 8 August 2007



THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.50PM.

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 8 August 2007 numbered M/N 242/07 to M/N 268/07, were signed by me hereunder at the Council Meeting held on Wednesday, 22 August 2007.

CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 22 AUGUST 2007

CHAIRMAN

PUBLIC OFFICER