

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/07



held on
Wednesday, 28 November 2007

The meeting commenced at 5.30pm.

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 28 November 2007

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COMMENCING AT: 5.30pm

PRESENT: Clr P B Tuddenham (Deputy Mayor) in the Chair
Clr N N Campbell-Jones, Clr J R Clark, Clr T D Gair, Clr P A
George, Clr J E Mauger, Clr M J Murray, Clr S H Murray,
Clr L A C Whipper and Clr P Yeo

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

PRAYER

100/1

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

PUBLIC FORUM ADDRESSES

1. Ms Tracy Cremming representing Gibbergunyah Action Group requested and was granted permission to address Council on the following item in the agenda:

o-EP6 Rezoning of Gibbergunyah as a Proposed Residential Release Area

The Deputy Mayor, Clr P B Tuddenham, thanked Ms Cremming for her comments which would be taken into account when the matter was discussed later in the meeting.

2. Ms Linda Emery representing Bong Bong Common Management Committee requested and was granted permission to address Council on the following item in the agenda:

o-TS2 Plan of Management & Conservation Management Plan for Bong Bong Common

The Deputy Mayor, Clr P B Tuddenham, thanked Ms Emery for her comments which would be taken into account when the matter was discussed later in the meeting.

APOLOGY

MN 344/07

PERS

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

THAT the apologies of *Clrs G Lewis and M King* be accepted and leave of absence granted.

PASSED

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 24
OCTOBER 2007

100/1

MN 345/07

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 24 October 2007 MN 337/07 to MN 343/07 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

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1. Clr N N Campbell-Jones declared a non-pecuniary interest in Item EP4 Proposed Montessori School, 5 Elizabeth Street, Burradoo as his brother in law's brother owns land in the area. He stated that he would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.
 2. Clr P B Tuddenham declared a pecuniary interest in Item NMR1 – Notice of Motion of Rescission – Proposed Underground Restaurant at Mittagong Central as he has a business and is co-owner of a building in the immediate vicinity. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
 3. Clr P George declared a non-pecuniary interest in Item o-EP5 Request for Donation from Southern Highlands International Piano Competition Inc as she had accepted two tickets to attend the competition. She stated she would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
 4. Clr J Clark declared a non-pecuniary interest in Item o-CS6 Proposed Public Private Partnership (PPP) - Moss Vale Crematorium / Cemetery as he was a member of a community organisation that had made a submission on this matter. He stated that he would remain in the chamber, take part in the debate and vote thereon.
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MAYORAL MINUTE

c-MM1 Illawarra Business Awards

REF. MAYOR 1602/18, 1607/13, 1900 (CC 102/5)

Reporting on the success of Southern Highlands Tourism at the 2007 Illawarra Business Awards.

Council's Tourism Manager, Steve Rosa, gave an overview of the award and paid tribute to the community, government and business effort that had gone into the rebranding, rebuilding and repositioning strategy for the Southern Highlands over the last two years. Tourism Southern Highlands took out the "Tourism" category against twelve other competitors and also won the Barry Smith Award for promotion of the region. He thanked the community for their efforts in repositioning and lifting the profile of the Southern Highlands as a major tourist destination.

The Deputy Mayor, Clr P B Tuddenham, congratulated Mr Rosa and everyone involved in winning the two awards.

MN 346/07

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

THAT Council congratulates the Tourism Manager, Steve Rosa and the entire Southern Highlands Tourism team for winning the Tourism category and the Barry Smith Award at the 2007 Illawarra Business Awards.

PASSED

c-MM2 National Award for Resource Recovery Centre

REF. MAYOR 7503/25, 7502 (CC 102/5)

Reporting on the Resource Recovery Centre winning the Waste Management Association of Australia's 2007 National Transfer Stations Excellence Awards.

Council's Resource Recovery Manager, Miles Lochhead, explained that the Resource Recovery Centre (RRC) was a self-funded business unit run as a separate operation from Council. The RRC had entered the Transfer Stations Division and were judged the National Gold Award winner. He stated that the centre not only handled and recycled garbage but also produced many different products. Their main interest from a marketing point of view was in selling compost and organic material and he thanked the members of his staff for their dedication and efforts.

The Deputy Mayor, Clr P B Tuddenham, congratulated Mr Lochhead and his staff on winning the award.

MN 347/07

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

- THAT Council congratulates the Resource Recovery Manager Miles Lochhead and all of the staff of Council's Resource Recovery Centre not only on winning the 2007 National Transfer Stations Excellence Award, but also for their ongoing outstanding commitment to managing the Shire's waste.***
- THAT the Wingecarribee Shire community be thanked through the pages of Wingecarribee Today for the contribution they have made towards the success of Council's waste minimisation and resource recovery efforts, culminating in recognition with a 2007 National Transfer Stations Excellence Award.***

PASSED

SUSPENSION OF STANDING ORDERS

PN960100, 6530/1, 6612/1

The Deputy Mayor, Clr P B Tuddenham, requested that Standing Orders be suspended in order to allow Items o-EP6 Rezoning of Gibbergunyah as a Proposed Residential Release Area, o-TS2 Plan of Management & Conservation Management Plan for Bong Bong Common and o-TS3 Draft Plan of Management For Community Land off Centennial Road, Bowral (known as Bowral Country Club Golf Course) to be heard at this juncture in the meeting.

MN 348/07

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

THAT Standing Orders be suspended to allow Items o-EP6 Rezoning of Gibbergunyah as a Proposed Residential Release Area, o-TS2 Plan of Management & Conservation Management Plan for Bong Bong Common and o-TS3 Draft Plan of Management For Community Land off Centennial Road, Bowral (known as Bowral Country Club Golf Course) to be heard at this juncture in the meeting.

PASSED

o-EP6	Rezoning of Gibbergunyah as a Proposed Residential Release Area
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REF:	SPM
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PN960100

At its meeting of 24 October 2007, Council resolved:

'THAT this matter be deferred for consideration to the Ordinary Meeting of Council on 28 November 2007.'

MN 349/07

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

THAT the rezoning of Gibbergunyah as a proposed residential release area be deferred for consideration until the Ordinary Meeting of Council to be held on Wednesday, 27 February 2008.

PASSED

TECHNICAL SERVICES DIVISION

o-TS2	Plan of Management & Conservation Management Plan for Bong Bong Common
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REF:	PPM	6530/1
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The purpose of this report is for Council to consider the Conservation Policy Recommendations from the Conservation Management Plan for Bong Bong Common.

Council's Acting Parks & Property Manager, Peter Byrne, introduced this matter to the meeting.

MN 350/07

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

- THAT the Conservation Management Plan is made available to the public as part of the development of a Plan of Management AND THAT public consultation occur between all stakeholders.***
- THAT a report on this matter be brought to the Ordinary Meeting of Council to be held on Wednesday, 30 January 2008.***

PASSED

o-TS3 Draft Plan of Management For Community Land off Centennial Road, Bowral (known as Bowral Country Club Golf Course)

REF: PPM

6612/1

The purpose of this report is for Council to consider the Draft Plan of Management for Community Land off Centennial Road, Bowral (known as Bowral Country Club Golf Course) prior to it being placed on Public Exhibition.

Council's Acting Parks & Property Manager, Peter Byrne, introduced this matter to the meeting.

MN 351/07

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

1. **THAT** Council approves the Draft Plan of Management for Community Land off Centennial Road, Bowral (known as Bowral Country Club Golf Course) in its current form and supports the document being placed on Public Exhibition for the period to 1st February 2008 with an additional 14 days given to receive submissions regarding the Draft Plan of Management;
2. **THAT** subsequent to the receipt of public submissions, the Draft Plan of Management be amended as appropriate and returned to Council for consideration and adoption.

PASSED

ENVIRONMENT & PLANNING DIVISION

o-EP1	Development Consents Under Delegated Authority
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REF	DCM	5302
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Submitting a list of development consents executed under delegated authority of the Director of Environment and Planning between 16/10/07 and 20/11/07.

MN 352/07

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

THAT the information relating to Development Consent Nos 1-20 under Delegated Authority be received and noted.

PASSED

Matters Arising from Development Consents under Delegated Authority

1. **"OPORTO" DINE IN & TAKE AWAY, BONG BONG ST, BOWRAL** LUA07/0922

Clr M Murray referred to Item 15 and asked for details of the exact location of this development.

Clr P B Tuddenham requested that this information be provided to Councillors as a matter of urgency.

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

2. **COMMONWEALTH BANK ENTRANCE DOORS, BOWRAL** LUA07/0864

Clr T D Gair referred to Item 14 and asked if these would be sliding automatic doors. He stated that the Access Committee had been fighting this matter for a long time and requested more information.

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

Matters Arising from Development Consents under Delegated Authority (cont'd)

3. BEAUTY SALON FITOUT, HIGH STREET, BOWRAL LUA07/1083
SPORTSWEAR SHOP FITOUT, HIGH STREET, BOWRAL LUA07/1127

Clr N N Campbell-Jones referred to Items 11 and 12 which were fitouts for the High Street development and asked if this meant that they had occupation of the premises as there was no actual front to the arcade. He also stated that there was a shop in the High Street development with a toilet that had no waste and exterior ventilation.

The Director Environment & Planning responded that this was a list of DAs only and it didn't mean that the shops could be occupied as yet. He stated that he would provide an update on a range of issues for the High Street development in the Weekly Circular.

o-EP2	List of Development Applications Received by Council
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REF: DCM	5302
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Submitting a list of development applications which have been received between 16/10/07 and 20/11/07 some of which will be dealt with under delegated authority of the Director of Environment & Planning.

MN 353/07

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

THAT the information regarding the List of Land Use Applications Nos 1-34 received by Council be received and noted.

PASSED

Matters Arising from Development Applications received by Council

1. 8 LOT RURAL SUBDIVISION, JUMPING ROCK RD, BUNDANOON LUA07/1242

Clr J Clark referred to Item 22 and asked if there were any vegetation issues involved with this development.

The Director Environment & Planning responded that he was not aware of any vegetation issues but stated that he would provide details in the Weekly Circular.

Clr Clark requested that the matter be referred to a future Services & Infrastructure Committee for consideration.

...Cont'd

Cont'd.....

MN 354/07

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

THAT LUA07/1242 8x 40 Hectare Lot Rural Subdivision in Jumping Rock Road, Bundanoon be referred to a future Services & Infrastructure Committee Meeting for consideration.

PASSED

-
2. SPRING WATER EXTRACTION SHED & ACCESS ROAD LUA07/1170
OSBORNE STREET, BUNDANOON

Clr T D Gair referred to Item 8 and asked if Council was going to have an inspection of this site as he believed it would become a very contentious issue.

The Director Environment & Planning stated that this could be included in the next round of inspections by the Services & Infrastructure Committee (SIC) and that there would be an update in the agenda for next week's SIC meeting.

It was noted that a number of Councillors had inspected the site and that it would not be necessary to conduct an official inspection.

-
3. DWELLING/SHED/HOME ENTERPRISE FOR BUILDING COMPANY LUA07/1289
ACTIVITIES, KELLS CREEK ROAD, HIGH RANGE

Clr N N Campbell-Jones referred to Item 31 and asked for more details on this development.

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

Clr M Murray suggested that with development applications where information is requested in the Weekly Circular those applications not be approved until Councillors have had the opportunity (once they receive that information) to make a decision as to whether it should be referred to the Services & Infrastructure Committee. He believed that Council should make sure for the benefit of the officers that it has some sort of policy in this regard.

The Director Environment & Planning added that the timing of the Council business paper is an issue where occasionally applications are received and by the time the report goes to Council they have been dealt with as they were within staff delegations.

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4. OFFICE SUITES WITH BASEMENT CAR PARK,
ARGYLE STREET, MOSS VALE LUA07/1283

Clr P B Tuddenham referred to Item No. 27 and requested more details on this development.

The Director Environment & Planning stated that he would include further information in the circular.

-
5. CONVERSION OF BUILDING TO RESTAURANT/BED & BREAKFAST,
"POPLARS" RESTAURANT. OLD HUME HGY, BRAEMAR LUA07/1182

Clr N N Campbell-Jones referred to Item 10 and asked why this matter was being referred to Council as it has been a restaurant for many years.

The Director Environment & Planning responded that it was because there was a heritage listing on this property and all such matters should be referred to Council.

-
6. ADDITION TO WINERY STORAGE BUILDING, CENTENNIAL
ROAD, BOWRAL LUA07/1285

Clr P Yeo referred to Item 29 and asked if Council still had a DCP or did it only relate to the restaurant public areas.

The Director Environment & Planning stated that he believed the relevant controls related to all manner of activity on the site and that he would provide an update in the Weekly Circular.

-
7. DEMOLITION OF EXISTING COTTAGE & CONSTRUCTION OF 5
SELF CARE UNITS UNDER SENIOR LIVING SEPP/STRATA
SUBDIVISION, MOSS VALE ROAD, BURRADOO LUA07/1243

Clr T D Gair referred to Item 23 and asked that this matter be referred to the Services & Infrastructure Committee.

MN 355/07

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

THAT LUA07/1243 demolition of existing cottage and construction of 5 self care units under senior living SEPP/Strata Subdivision, Moss Vale Road, Burradoo be referred to the Services & Infrastructure Committee Meeting to be held on Wednesday, 5 December 2007 for consideration.

PASSED

o-EP3	Land Use Applications Received
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REF: DCM	5302
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Submitting a list of Land Use applications received under delegated authority of the Director of Environment & Planning for the month of October 2007.

MN 356/07

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

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

PASSED

o-EP4	Proposed Montessori School, 5 Elizabeth Street, Burradoo
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REF: PMAL	LUA07/0723
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Reporting further on conversion of an existing dwelling house at Lot 205 DP 617682, No 5 Elizabeth Street, Burradoo, into a Montessori School educational establishment to accommodate 35 children and 3 full time / 1 part time staff.

Interest: Clr N N Campbell-Jones declared a non-pecuniary interest in this matter as his brother in law's brother owns land in the area. He remained in the chamber, took part in the debate and voted thereon.

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

1. ***THAT*** authority be delegated to the Director, Environment & Planning to determine the development application, with any consent to include conditions requiring the submission of a Management Statement detailing measures to minimise noise impacts upon surrounding residential properties.
2. ***THAT*** those who made a submission be advised of Council's decision.

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

VOTING ON THE MOTION:

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

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

Cont'd....

Cont'd

MN 357/07

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

THAT the application be refused on the grounds of noise, amenity of the neighbourhood, property values, traffic, parking and flooding issues.

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.

VOTING ON THE MOTION:

Voting for the Motion: Cllrs Tuddenham, Campbell-Jones, M Murray, George and Mauger

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

o-EP5 Request for Donation: Southern Highlands International Piano Competition Inc

REF: SPM

7101/1

The request from Southern Highlands International Piano Competition Inc for a donation of \$5,000 was referred to the Arts and Culture Board (Working Group) for its recommendation. This recommendation was to be brought back to a future Ordinary Meeting of Council for determination.

Interest: Clr P George declared a non-pecuniary interest in this matter as she had accepted two tickets to attend the competition. She left the chamber, took no part in the debate and refrained from voting thereon.

MN 358/07

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

THAT Council takes no action in this matter.

PASSED

VOTING ON THE MOTION:

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

Voting against the Motion: Clrs Campbell-Jones, Mauger and Tuddenham

o-EP6 Rezoning of Gibbergunyah as a Proposed Residential Release Area

REF: SPM

PN960100

This matter was considered earlier in the meeting (refer MN 347/07).

QUESTIONS FROM THE PUBLIC

1. DUMBARTON RAIL EXTENSION

5602/11

Mr Terry Oakes-Ash, representing Southern Highlands Business Chamber, asked if the Mayor, Deputy Mayor, General Manager and Director Environment & Planning would ask for clarification of the Port Kembla Port Corporation's position as it appears Wingecarribee Shire Council is being taken for a ride by them which he believed was detrimental to Council's situation.

The Deputy Mayor, Cllr P B Tuddenham, stated that he would ask the Mayor to issue a press release on his return.

o-EP7	Fee Structure for On Site Sewerage Management Systems (OSSM)
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REF:	EHM
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5405/1

Council has been presented with numerous reports throughout the year relating to the fees and charges associated with the On Site Sewerage Inspection program. Most recently Council resolved to place a revised fee structure on public exhibition with a report to come back to Council with the fee structure and any submissions.

MN 359/07

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

THAT Council approves the fee structure detailed in the attachment to this report.

PASSED

o-EP8 Proposed Aldi Store adjacent Highlands Marketplace, Mittagong

REF: DEP

LUA07/0613

Reporting on proposed Aldi store adjacent to the Highlands Marketplace complex, Old Hume Highway, Mittagong.

MN 360/07

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

1. **THAT** Council approves LUA07/0613 **AND THAT** the attached draft conditions of consent be amended to include issues regarding limited delivery times (not between 10pm and 6am) **AND THAT** upon receipt of the requirements of the Sydney Catchment Authority, the Director Environment and Planning issues a Development Consent consistent with this report.
2. **THAT** this matter be referred as a supplementary report for consideration by the Traffic Committee on Monday, 3 December 2007.

AMENDMENT moved by Clr S H Murray and seconded by Clr LAC Whipper:

1. **THAT** this matter be deferred for consideration at the next Ordinary Meeting of Council on Wednesday, 12 December 2007 to allow traffic issues relating to access through Woolworths and delivery and trading hours to be resolved.
2. **THAT** this matter be referred as a supplementary report for consideration by the Traffic Committee on Monday, 3 December 2007.

PASSED

AMENDMENT BECAME THE MOTION

MOTION PASSED

VOTING ON THE AMENDMENT:

Voting for the Amendment: Clrs S Murray, Whipper, Clark, Yeo, Mauger, and Tuddenham

Voting against the Amendment: Clrs M Murray, Campbell-Jones, George and Gair

MN 361/07

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

THAT a half hour information session be held on the issues involved with the Aldi Store application adjacent to Highlands Marketplace, Mittagong on Wednesday, 12 December 2007 at 11.30am.

PASSED

CORPORATE SERVICES DIVISION

o-CS1	Investments as at 31 October 2007
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REF	FSM	2104
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Submitting details of Council's Investments as at 31 October 2007

MN 362/07

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

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

PASSED

o-CS2	Budget Review to 30 September 2007
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REF	FSM	2104
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Confirming budget adjustments as submitted to the Strategy & Finance Committee of 28 November 2007.

MN 363/07

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

THAT the budget adjustments listed on Attachment 1, previously considered by the Strategy and Finance Committee be adopted.

PASSED

o-CS3 Committee Appointments & Resignations

REF: MAS

107/1, 6536/1.1

Reporting on Management Committee Appointments and Resignations.

MN 364/07

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

1. **THAT Mr Murray Sloane be appointed to the Exeter Park Management Committee AND THAT Mr Sloane be notified of Council's determination.**
2. **THAT Exeter Park Management Committee be notified of Council's determination.**

PASSED

o-CS4 Department of Local Government Circular re Term of Appointment of Mayors Elected by Councillors & Term of Appointment of Temporary Staff

REF. MAS

102/4 & 800]

Reporting on request from Department of Local Government via Circular to Councils regarding the term of appointment of mayors elected by Councillors and Term of appointment of temporary staff.

MN 365/07

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

1. **THAT in relation to the Department of Local Government Circular number 07-46 to Councils concerning the term of appointment of mayors elected by Councillors and the term of appointment of temporary staff, Council advises the Director General;**
 - (a) **Council supports Proposal 1 to allow the Mayor to be elected for a two year period.**
 - (b) **Council support Proposal 2 in that Section 351 of the Local Government Act 1993 be amended to allow for persons to be directly appointed to a position without advertisement for a period of up to 24 months, where the appointment is to fill a vacancy arising from the granting of parental leave.**

PASSED

o-CS5 Public Participation at Strategy & Finance Committee Meetings

REF: MAS

107/32

The purpose of this report is to seek approval to provide members of the public the opportunity to make representations to Strategy & Finance Committee meetings.

It was noted that on Attachment 4 the commencement time of the meeting should currently read 5.30pm not 4.00pm and that the first dot point under "Protocol" should read "A time limit of 5 minutes will apply to each visitor and speakers are required not to merely reiterate what has been already submitted in written form".

MN 366/07

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

1. **THAT** Public Forum Requests and Visitor Item access as outlined in the report be adopted for the Strategy & Finance Committee and Services & Infrastructure Committee meetings with the exception of tenders, legal matters and visitor items relating to development applications.
2. **THAT** the Guide to Visitors wishing to address Ordinary Council Meetings as per Attachment 4 of the report be adopted by Council with the removal of the word "normally" from the first bullet point under Protocol on page 47 of the report.
3. **THAT** the Guide to Visitors wishing to address the Services & Infrastructure Committee meeting as per Attachment 5 of the report be adopted by Council.
4. **THAT** Public Forum Requests be limited to six (6) requests at each meeting of the Strategy & Finance Committee.

PASSED

o-CS6 Proposed Public Private Partnership (PPP) - Moss Vale Crematorium / Cemetery

REF DCS 2160/1

Reporting on a proposed public private partnership (PPP) to construct and operate a crematorium at Moss Vale Cemetery.

Reference: Services & Infrastructure Committee meeting 7 November 2007 SI 10/07 resolved as follows:

“THAT the Proposed Public Private Partnership (PPP) for Moss Vale Crematorium / Cemetery be deferred until a reply is provided to Clr P B Tuddenham regarding his request for an explanation on procedural issues relating to probity”.

It was noted that the last paragraph under (i) Environmental Factors on page 50 of the report be changed by the removal of the words “should probably” from the last sentence.

MN 367/07

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

1. **THAT Council confirms its support for the construction of a crematorium at Moss Vale Cemetery under a public private partnership arrangement.**
2. **THAT detailed negotiations commence with the Liverpool Presbyterian Cemetery Trust to finalise a contract under Public Private Partnership as soon as possible.**
3. **THAT it be noted that the development application for the crematorium will be subject to a detailed assessment by an independent planner with all proposed development conditions to be approved by Council via the Services & Infrastructure Committee with the matter of air quality and ongoing review being addressed in the application AND THAT recognised best practice procedures be adopted by the partnership.**

.....Cont'd

Cont'd.....

AMENDMENT moved by *Clr J R Clark* and seconded by *Clr LAC Whipper*:

1. THAT Council confirms its support for the construction of a crematorium at Moss Vale Cemetery under a public private partnership arrangement.
2. THAT detailed negotiations commence with the Liverpool Presbyterian Cemetery Trust to finalise a contract under Public Private Partnership as soon as possible.
3. THAT it be noted that the development application for the crematorium will be subject to a detailed assessment by an independent planner with all proposed development conditions to be approved by Council via the services and Infrastructure Committee AND THAT the matter of air quality and ongoing review be addressed in the application AND THAT recognised best practice procedures be adopted by the partnership.
4. THAT an independent air quality impact assessment be undertaken for the proposed crematorium AND THAT a community reference panel be established to assist in the monitoring process.
5. THAT emissions from an approved crematorium be monitored on a regular basis AND THAT community input be sought to verify emission test results.

LOST

MOTION PASSED

o-CS7 Proposed Sale of Lot 45 DP 808767 Bulwer Road, Moss Vale

REF. PO 1699931

Reporting on a request by the Water and Sewer Division of Council to have this matter considered for sale.

MN 368/07

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

1. **THAT** the market value of Lot 45 Deposited Plan 808767 be determined by valuation undertaken by a registered valuer.
2. **THAT** Lot 45 Deposited Plan 808767 be marketed for sale by private treaty.
3. **THAT** the agreement & transfer documents for Bulwer Road, Moss Vale, be executed under the Common Seal of the Council.
4. **THAT** the proceeds of sale of Lot 45 Deposited Plan 808767 be placed in the Water Fund Augmentation Reserve.
5. **THAT** the matter be brought back to a future Ordinary Meeting of Council for final approval after subdivision issues have been resolved.

PASSED

o-CS8 Lease of Unformed Section of Public Road, School Lane, Exeter

REF. PO RD2316, 5457/16

Reporting on the status of the lease offered in respect of the unformed section of School Lane, Exeter.

MN 369/07

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

1. **THAT** the Mayor and General Manager be delegated authority to negotiate the lease of the unformed section of School Lane Exeter with Exeter Village Association.
2. **THAT** subject to 1 above, the lease for the unformed section of Public Road, School Lane, Exeter be executed under the Common Seal of the Council.

PASSED

TECHNICAL SERVICES DIVISION

o-TS1	Auslink Strategic Regional Program
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REF:	A/RTM
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7803/2006

Reporting on the AusLink Strategic Regional Program seeking approval to sign the Funding Agreement following a previous report submitted to Councils Services & Infrastructure Committee Meeting held 7 November 2007.

MN 370/07

MOTION moved by Cllr M J Murray and seconded by Cllr J R Clark:

THAT the Mayor and General Manager to be granted authority to execute the agreement under the Common Seal of the Council for the Auslink Strategic Regional Program funding agreement.

PASSED

o-TS2	Plan of Management & Conservation Management Plan for Bong Bong Common
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REF:	PPM
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6530/1

The purpose of this report is for Council to consider the Conservation Policy Recommendations from the Conservation Management Plan for Bong Bong Common.

This matter was considered earlier in the meeting (refer MN 350/07).

o-TS3	Draft Plan of Management for Community Land off Centennial Road, Bowral (known as Bowral Country Club Golf Course)
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REF:	PPM
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6612/1

The purpose of this report is for Council to consider the Draft Plan of Management for Community Land off Centennial Road, Bowral (known as Bowral Country Club Golf Course) prior to it being placed on Public Exhibition.

This matter was considered earlier in the meeting (refer MN 351/07).

SUSPENSION OF STANDING ORDERS

DEFERRAL OF THE REMAINDER OF THE BUSINESS PAPER

MN 371/07

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

THAT the remainder of the business paper be deferred to the Ordinary Meeting of Council on Wednesday, 12 December 2007.

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

THAT the remainder of the business paper be deferred to the Ordinary Meeting of Council to be held on Wednesday, 12 December 2007 with the exception of Item c-NMR1 Notice of Motion of Rescission – Proposed Underground Restaurant.

PASSED

AMENDMENT BECAME THE MOTION

MOTION PASSED

OTHER MATTERS

c-NMR1	26/2007 – Notice of Motion of Rescission – Proposed Underground Restaurant at Mittagong Central
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REF:

LUA07/0902

Reference: - Ordinary meeting of Council Wednesday 24 October 2007 – NRM1 -26/2007 (OC 302/07)

THAT this matter be deferred for consideration AND THAT an Extraordinary Meeting be scheduled for 4.00pm on Wednesday, 7 November 2007 to deal with the Rescission Motion, providing at least ten (10) Councillors are able to be present.

It was noted that a quorum could not be formed at the Extraordinary meeting scheduled for Wednesday, 7 November 2007 and the matter was deferred to this meeting.

The Notice of Motion of Rescission received is

"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 10 October 2007 **be rescinded**:

1. *THAT authority be delegated to the Director Environment & Planning to determine the development application for the proposed underground restaurant in the basement of "Mittagong Central", with any conditions of consent to be generally in accordance with Attachment 2 of the report.*
2. *THAT the applicant be required to provide a further four (4) carparking spaces (in addition to the existing 41) in Regent Street.*

Signed Dated 21 October 2007
Clr N J Campbell-Jones
Clr P George
Clr M Murray"

Interest: Clr P B Tuddenham declared a pecuniary interest in this matter as he has a business and is co-owner of a building in the immediate vicinity. He left the chamber, took no part in the debate and refrained from voting thereon.

Clr P George assumed the Chair while this matter was being considered.

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

THAT the Notice of Motion of Rescission be adopted.

LOST

...Cont'd



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 28 November 2007
NOTICES OF MOTION



Cont'd.....

VOTING ON THE MOTION:

Voting for the Motion: Ctrs Campbell-Jones, M Murray and George

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

COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 General Manager's Quarterly Report

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

REPORT

The General Manager's Quarterly Report has previously been circulated under separate cover.

MN 372/07

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

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.

PASSED

c-GM2 Weekly Circulars

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

MN 373/07

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

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.

PASSED

OTHER MATTERS

c-NMR1	26/2007 – Notice of Motion of Rescission – Proposed Underground Restaurant at Mittagong Central
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REF:	LUA07/0902
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Reference: - Ordinary meeting of Council Wednesday 24 October 2007 – NRM1 -26/2007 (OC 302/07)

This matter was considered earlier in the meeting (refer page 27).

c-NM2	27/2007 – Notice of Motion – Leisure Centre Survey
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REF: MAS	7181/4
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Clr L A C Whipper has given notice of his intention to move the following Notice of Motion of the Ordinary Meeting at Council on Wednesday 28 November 2007.

*“**THAT** Council agree to take up the offer of Mr Theo Onisforou at no cost to Council to conduct a survey to determine the current position of the residents of the Wingecarribee Shire towards the expenditure of funds toward the construction of a Leisure Centre.”*

MN 374/07

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

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.

PASSED

QUESTIONS WITH NOTICE

c-QWN1	QWN 06/07 – Funds Collected – Companion Animals Act
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REF.	EHM
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101/2, 5500/4

Report on the Question with Notice raised by Clr LAC Whipper on 9 November 2007 regarding the funds collected under the Companion Animals Act.

MN 375/07

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

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.

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 eight (8) Committee meetings that were tabled for information.

1. Mittagong Memorial Hall Management Committee meeting Thursday 4 October 2007
2. Lake Alexandra Reserve Management Committee meeting Tuesday 25 September 2007
3. Mittagong Community Centre Management Committee meeting Thursday 11 October 2007
4. Penrose Hall & Recreation Reserve Management Committee Meeting Monday 27 August 2007
5. Welby Hall Management Committee Annual General Meeting Thursday 9 August 2007.
6. Services & Infrastructure Committee meeting Wednesday 7 November 2007.
7. East Bowral Community Centre Management Committee meeting Tuesday 23 October 2007
8. Exeter Park Management Committee meeting Monday 12 November 2007.

MN 376/07

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

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.

PASSED

COMMITTEE REPORTS ATTACHED

c-CR2	Legal Committee
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REF	DEP	107/22
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Submitting minutes of the Legal Committee meeting held Wednesday, 24 October 2007.

MN 377/07

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

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.

PASSED

c-CR3	Legal Committee
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REF	DEP	107/22
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Submitting minutes of the Legal Committee meeting held Wednesday, 14 November 2007.

MN 378/07

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

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.

PASSED

c-CR4	Arts & Culture Board (Working Group)
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REF	SPM	1660/1
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Submitting minutes of the Arts & Culture Board (Working Group) meeting held Monday, 29 October 2007.

MN 379/07

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

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.

PASSED

c-CR5	Rural Fire Service District Liaison Committee
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REF	GM	6433/5
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Submitting minutes of the Rural Fire Service District Liaison Committee meeting held Tuesday, 6 November 2007.

MN 380/07

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

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.

PASSED

c-CR6	Environment & Sustainability Committee
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REF	PPM	5465/29.01
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Submitting minutes of the Environment & Sustainability Committee meeting held on Wednesday, 17 October 2007.

MN 381/07

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

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.

PASSED

c-CR7	Traffic Committee
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REF	TE	107/6
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Submitting minutes of the Traffic Committee meeting held on Monday, 22 October 2007.

MN 382/07

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

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.

PASSED

CORPORATE SERVICES DIVISION

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

MN 383/07

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

THAT the following matters be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.

EP-1 BROUGHTON STREET REZONING – VOLUNTARY PLANNING AGREEMENT **5701/22**

Relevant Legal Provisions

This report is placed in Closed Committee under clause 10A(2)(c) and (d) of the Local Government Act 1993 as it contains commercial information in relation to financial negotiations of Council in relation to a Voluntary Planning Agreement (VPA) outlining funding arrangements.

Brief Description

Reporting on a matter pertaining to the consideration of a Voluntary Planning Agreement for the Broughton Street Moss Vale Rezoning site.

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.

CS-1 TENDER FOR PROVISION OF LEGAL SERVICES **6330/07.4**

Relevant Legal Provision

This report is placed in Closed Committee as it contains commercial information of a confidential nature, under Clause 10A(2)(d) of the Local Government Act.

Brief Description

Reporting on the tenders for the provision of legal services.

Public Interest

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

CS-2 PROPOSED ROAD CLOSURE AND PURCHASE – UNFORMED SECTION
RITCHIE STREET BRAEMAR **PN 251500; 1493/1**

Relevant Legal Provision

This report is placed in Closed Committee as it contains commercial information of a confidential nature, under Clause 10A(2)(d) of the Local Government Act.

Brief Description

Reporting on a request to finalise the road closure application in respect of the unformed section of Ritchie Street Braemar.

Public Interest

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

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 28 November 2007
CLOSED REPORTS



THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.50PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 28 November 2007 numbered MN 344/07 to MN 383/07, were signed by me hereunder at the Council Meeting held on Wednesday, 12 December 2007.

CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 12 DECEMBER 2007

CHAIRMAN

PUBLIC OFFICER



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 28 November 2007
CLOSED REPORTS

